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No. 18

House of Representatives

The House met at 10 a.m.

Father Joseph F. Sica, Our Lady of the Snows Catholic Church, Clarks Summit, Pennsylvania, offered the following prayer:

Father, we thank You for today, a new beginning filled with unlimited possibilities to make wholesome differences in the lives represented by these men and women of our United States Congress.

Father, by faith we welcome You into our lives and accept the love You have for us.

Your love elevates us as we rise above our heartaches, hassles, troubles, setbacks, disappointments by turning them over to You.

Your love liberates us to let go of panic, worry, anxiety, depression, low self-worth, and addictions.

Your love motivates a desire inside each of us to find a need and fill it, to find a hurt and heal it.

Father, Your love demonstrates You care, understand, and forgive, giving us the strength to carry on, casting aside our fears, knowing we can survive. It is perhaps through love that You give us a glimpse of eternity.

Hold this great Nation of America in the palm of Your hand as we make this prayer today in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LAHOOD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one 1-minute at this point by the gentleman from Pennsylvania (Mr. SHERWOOD).

WELCOME TO FATHER JOE SICA OF OUR LADY OF THE SNOWS PARISH IN CLARKS SUMMIT, PENNSYLVANIA

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, it is my privilege to welcome as our guest chaplain Father Joe Sica of Our Lady of the Snows Parish in Clarks Summit, Pennsylvania.

I would also like to take this opportunity to thank Father Joe for this wonderful invocation. I have known Father Joe for a long time. He is a good man, a great friend, and a wonderful priest.

Father Joe Sica grew up in Dunmore, Pennsylvania, and began his service to the church at a very young age. As a child, he donated much of his time to St. Rocco's Church, and it was there he began to realize his dream of becoming a priest.

After high school he entered the University of Pennsylvania and Saint Pius X Seminary, where he earned his degree in philosophy and theology. He

then took his scholarly talents and spiritual determination and continued his education at the Catholic University of America and the Theological College.

There he wrote his book, "God So Loved the World," which is one of the foremost works in Carl Rhaner's "Theology of Revelation." He also published many articles in several journals, and Father Joe's monthly column, "Miracle Growth: A Seed of Inspiration," that runs in Catholic newspapers across the country.

In every assignment at every parish, Father Joe Sica has been involved with the work of his community. He has organized retreats for parishioners, helped parents and teachers associations; and while he was in my hometown, he was a member of the Rotary International, and a fine volunteer firefighter at the Triton Hose Company.

However, one of his most impressive accomplishments that I have had the pleasure of witnessing was Father Joe's creation of the Helping Other People Program in Tunkhannock. This program coordinated the efforts of several local churches and their parishioners to provide transportation, meals, home repairs, house cleaning, and many other services to those in need.

Father Joe was given the Sam Walton Award, and the Tunkhannock Chamber of Commerce gave him a certificate of excellence for his effort.

In October of 2000, the Columbus Day Association of Lackawanna County named Father Joe their Man of the Year. They commended him for taking risks, for being able to dream, and to work and make those dreams come true.

I can say without hesitation that Father Joe Sica is not just the Man of the Year, but a man of the people whose good deeds and inspiration never cease.

Mr. Speaker, I again would like to thank Father Joe Sica for being here today. His presence and his blessing on

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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this House mean so much to me and the people I represent.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 1857. An act to encourage the negotiated settlement of tribal claims.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHROCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 48, answered “present” 1, not voting 29, as follows:

[Roll No. 41]

YEAS—355

Abercrombie	Bonior	Condit	Jackson (IL)
Ackerman	Bono	Conyers	Jackson-Lee
Akin	Boozman	Cooksey	(TX)
Allen	Boswell	Cox	Jefferson
Andrews	Boyd	Cramer	Peterson (PA)
Armey	Brady (TX)	Crenshaw	John
Baca	Brown (FL)	Crowley	Johnson (CT)
Bachus	Brown (OH)	Culberson	Johnson (IL)
Baker	Brown (SC)	Cummings	Johnson, E. B.
Baldwin	Bryant	Cunningham	Johnson, Sam
Ballenger	Burton	Davis (CA)	Jones (NC)
Barcia	Buyer	Davis (FL)	Jones (OH)
Barr	Callahan	Davis (IL)	Kanjorski
Barrett	Calvert	Davis, Jo Ann	Kaptur
Bartlett	Camp	Davis, Tom	Keller
Barton	Cannon	DeGette	Kennedy (RI)
Bass	Cantor	DeLahunt	Kennedy (RI)
Bentsen	Capito	DeLauro	Kerns
Bereuter	Capps	DeLay	Kildee
Berkley	Cardin	DeMint	Kind (WI)
Berman	Carson (IN)	Deutsch	DePalo
Berry	Carson (OK)	Diaz-Balart	DeFazio
Biggert	Castle	Dicks	Aderholt
Bilirakis	Chabot	Dingell	Baird
Bishop	Chambliss	Doggett	English
Blumenauer	Clayton	Doolley	Becerra
Blunt	Clement	Doolittle	Borski
Boehlert	Clyburn	Doyle	Brady (PA)
Boehner	Coble	Dreier	Hastings (FL)
Bonilla	Combest	Duncan	Capuano

Dunn	King (NY)	Rehberg	Menendez
Edwards	Kingston	Reyes	Miller, George
Ehlers	Kirk	Reynolds	Moore
Emerson	Kleczka	Riley	Moran (KS)
Engel	Knollenberg	Rivers	Oberstar
Eshoo	Kolbe	Rodriguez	Pallone
Etheridge	LaHood	Roemer	Platts
Evans	Lampson	Rogers (KY)	Peterson (MN)
Everett	Langevin	Rogers (MI)	Platts
Fattah	Larson (CT)	Rohrabacher	Platts
Ferguson	LaTourette	Ros-Lehtinen	Platts
Flake	Leach	Ross	Platts
Fletcher	Lee	Rothman	Platts
Foley	Levin	Royal-Allard	Platts
Forbes	Lewis (CA)	Rush	Platts
Ford	Lewis (GA)	Ryan (WI)	Platts
Fossella	Lewis (KY)	Ryun (KS)	Platts
Frank	Linder	Sanchez	Platts
Frelinghuysen	Lipinski	Sanders	Platts
Frost	Lofgren	Sandlin	Platts
Gallegly	Lowey	Sawyer	Platts
Ganske	Lucas (KY)	Saxton	Platts
Gekas	Lucas (OK)	Schiff	Platts
Gephart	Luther	Schrock	Platts
Gibbons	Lynch	Scott	Platts
Gilchrest	Maloney (CT)	Sensenbrenner	Platts
Gillmor	Maloney (NY)	Serrano	Platts
Gonzalez	Manzullo	Sessions	Platts
Goode	Mascara	Shaw	Platts
Goodlatte	Matheson	Shays	Platts
Gordon	Matsui	Sherman	Platts
Goss	McCarthy (MO)	Sherwood	Platts
Graham	McCarthy (NY)	Shimkus	Platts
Granger	McCollum	Shows	Platts
Graves	McGovern	Shuster	Platts
Green (TX)	McHugh	Simmons	Platts
Green (WI)	McInnis	Simpson	Platts
Greenwood	McIntyre	Skeen	Platts
Grucci	McKeon	Skelton	Platts
Gutierrez	McNulty	Slaughter	Platts
Hall (OH)	Meehan	Smith (MI)	Platts
Hall (TX)	Meeks (NY)	Smith (NJ)	Platts
Hansen	Mica	Smith (TX)	Platts
Harman	Millender	Smith (WA)	Platts
Hart	McDonald	Snyder	Platts
Hastings (WA)	Miller, Dan	Solis	Platts
Hayworth	Miller, Gary	Souder	Platts
Herger	Miller, Jeff	Spratt	Platts
Hill	Mollohan	Stearns	Platts
Hilleary	Moran (VA)	Stenholm	Platts
Hinojosa	Morella	Stump	Platts
Hobson	Murtha	Sununu	Platts
Hoeffel	Nadler	Sweeney	Platts
Hoekstra	Napolitano	Tanner	Platts
Holden	Neal	Tauscher	Platts
Honda	Nethercutt	Tazin	Platts
Hooley	Ney	Taylor (NC)	Platts
Horn	Northup	Terry	Platts
Hostettler	Nussle	Thornberry	Platts
Houghton	Obey	Thune	Platts
Hoyer	Olver	Thurman	Platts
Hulshof	Ortiz	Tiahrt	Platts
Hunter	Osborne	Tiberi	Platts
Hyde	Ose	Tierney	Platts
Inslee	Otter	Toomey	Platts
Isakson	Owens	Towns	Platts
Israel	Pascarella	Turner	Platts
Issa	Pastor	Upton	Platts
Istook	Paul	Velazquez	Platts
Jackson (IL)	Payne	Vitter	Platts
Jackson-Lee	Pelosi	Walden	Platts
(TX)	Pence	Walsh	Platts
Jefferson	Peterson (PA)	Wamp	Platts
John	Petri	Watkins (OK)	Platts
Johnson (CT)	Phelps	Watson (CA)	Platts
Johnson (IL)	Pickering	Watt (NC)	Platts
Johnson, E. B.	Pitts	Watts (OK)	Platts
Johnson, Sam	Pombo	Waxman	Platts
Jones (NC)	Pomeroy	Weiner	Platts
Jones (OH)	Portman	Weldon (FL)	Platts
Kanjorski	Price (NC)	Wexler	Platts
Kaptur	Pryce (OH)	Whitfield	Platts
Keller	Putnam	Wilson (NM)	Platts
Kelly	Quinn	Wilson (SC)	Platts
Kennedy (RI)	Radanovich	Woolsey	Platts
Kerns	Rahall	Wu	Platts
Kildee	Rangel	Wynn	Platts
Kind (WI)	Regula	Young (FL)	Platts

NAYS—48

Rehberg	Menendez	Ramstad	Taylor (MS)
Reyes	Miller, George	Sabio	Thompson (CA)
Kirk	Reynolds	Schaffer	Thompson (MS)
Kleczka	Riley	Schakowsky	Udall (CO)
Knollenberg	Rivers	Oberstar	Udall (NM)
Kolbe	Rodriguez	Pallone	Visclosky
LaHood	Roemer	Stark	Weller
Lampson	Rogers (KY)	Peterson (MN)	Weller
Langevin	Rogers (MI)	Strickland	Weller
Lantos	Rohrabacher	Stupak	Wicker
Larson (CT)	Ros-Lehtinen	Platts	Wicker

ANSWERED “PRESENT”—1

Tancredo

NOT VOTING—29

Forbes	Rush	Gilman	Norwood
Ford	Ryan (WI)	Blagojevich	Hayes
Fossella	Ryun (KS)	Boucher	Jenkins
Frank	Sánchez	Burr	Kilpatrick
Frelinghuysen	Sanders	Clay	LaFalce
Frost	Sandlin	Collins	McCrary
Gallegly	Sawyer	Coyne	McKinney
Ganske	Saxton	Cubin	Meek (FL)
Gekas	Schiff	Deal	Mink
Gephart	Schrock	Ehrlich	Myrick
Gibbons	Lynch	Scott	Platts
Gilchrest	Maloney (CT)	Sensenbrenner	Platts
Gillmor	Maloney (NY)	Serrano	Platts
Gonzalez	Manzullo	Sessions	Platts
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Goodlatte	Matheson	Shays	Platts
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Hansen	Mica	Smith (TX)	Platts
Harman	Millender	Smith (WA)	Platts
Hart	McDonald	Snyder	Platts
Hastings (WA)	Miller, Dan	Solis	Platts
Hayworth	Miller, Gary	Souder	Platts
Herger	Miller, Jeff	Spratt	Platts
Hill	Mollohan	Stearns	Platts
Hilleary	Moran (VA)	Stenholm	Platts
Hinojosa	Morella	Stump	Platts
Hobson	Murtha	Sununu	Platts
Hoeffel	Nadler	Sweeney	Platts
Hoekstra	Napolitano	Tanner	Platts
Holden	Neal	Tauscher	Platts
Honda	Nethercutt	Tazin	Platts
Hooley	Ney	Taylor (NC)	Platts
Horn	Northup	Terry	Platts
Hostettler	Nussle	Thornberry	Platts
Houghton	Obey	Thune	Platts
Hoyer	Olver	Thurman	Platts
Hulshof	Ortiz	Tiahrt	Platts
Hunter	Osborne	Tiberi	Platts
Hyde	Ose	Tierney	Platts
Inslee	Otter	Toomey	Platts
Isakson	Owens	Towns	Platts
Israel	Pascarella	Turner	Platts
Issa	Pastor	Upton	Platts
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(TX)	Pence	Walsh	Platts
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Johnson (IL)	Pickering	Watt (NC)	Platts
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Johnson, Sam	Pombo	Waxman	Platts
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Jones (OH)	Portman	Weldon (FL)	Platts
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Kaptur	Pryce (OH)	Whitfield	Platts
Keller	Putnam	Wilson (NM)	Platts
Kelly	Quinn	Wilson (SC)	Platts
Kennedy (RI)	Radanovich	Woolsey	Platts
Kerns	Rahall	Wu	Platts
Kildee	Rangel	Wynn	Platts
Kind (WI)	Regula	Young (FL)	Platts

□ 1032

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith the Certificate of Election received from the Honorable Mike Hunter, Secretary of State, State of Oklahoma, indicating that, on January 8, 2002, the Honorable John Sullivan was duly chosen by the qualified electors to the Office of Representative in Congress, First Congressional District, State of Oklahoma, to fill the vacancy in the representation from said State in the United States House of Representatives.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

SWARING IN OF THE HONORABLE JOHN SULLIVAN, OF OKLAHOMA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect from Oklahoma (Mr. SULLIVAN) and the members of the Oklahoma delegation present themselves in the well.

The Representative-elect will please raise his right hand.

Mr. SULLIVAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the 107th Congress.

INTRODUCTION OF JOHN SULLIVAN, NEW MEMBER FROM OKLAHOMA

(Mr. WATKINS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, this may sound very unusual, but as a dean of the Oklahoma delegation but the newest member of the Republican Party, it gives me great privilege on behalf of our entire Oklahoma delegation, including our two Senators who have come over and joined us, and other members of our delegation to present to you the newest Member, of not only the Oklahoma delegation, but of the 107th Congress, an outstanding young man who, when he announced that he was going to run, the political pundits gave him very little chance because he was outfunded and more popular names were in the race.

JOHN SULLIVAN is a fourth-generation Oklahoman, and he is also the oldest of four children; and speaking of family, I would like to introduce you to his wife, Judy, a tremendous asset. Also, I think he has his three children here, Meredith and Sydney up there and Tommy right here to my left. Let us give him a big hand.

JOHN has had a successful career in two industries, transportation and also energy. So I imagine he will be asking for some very apropos type committee assignments. He was inspired to run for Representative to try to do something more to build a future, yes, for Oklahomans, yes, for the future of our children and grandchildren.

Some of the proudest moments of his accomplishments in the State House where he served and was Republican whip was the creation of Oklahoma State University at Tulsa and the largest income tax cut in the history of Oklahoma, parent notification law. Those are just a few of the accomplishment he did in his short tenure there.

So I ask my colleagues to join me today in welcoming the newest Member and I think one of the hardest-working young men I have met and one I think you will all be very proud of, JOHN SULLIVAN, first district of Oklahoma.

EXPRESSING THANKS

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, I am so honored to be here today. I would like to thank the Members for their warm welcome they have extended to me.

I wish to take a moment to acknowledge my family, my wife, Judy; my son, Tommy; and daughters, Meredith and Sydney; my mother, Mag Sullivan; and mother- and father-in-law, Mary Ann and Tom Beck; also, my mentor, Mayor of Tulsa, Bob LaFortune, who is here, former Mayor of Tulsa; and Art Rubin, who is up there as well; and all of the wonderful friends and family

who have accompanied me from Oklahoma to show their support today.

I have a great neighborhood, too, one of the old-fashioned neighborhoods. I have got a lot of my neighbors that have come, and it is great. Our kids run and play together and go in each other's houses, and they came as well.

I am also pleased to be joined by Oklahoma's two extraordinary Senators, JIM INHOFE, who as a Member of this body ably represented the first district of Oklahoma; and DON NICKLES, the assistant Republican leader of the Senate.

I would also like to take a moment to thank former Congressman Steve Largent, who recently departed Congress to run for Governor of Oklahoma. I wish him the best in his new endeavor.

Mr. Speaker, I am truly humbled to become a Member of this honorable body. This day has been a lifelong dream of mine, and I pledge today to continue to fight for the constituents of the first district of Oklahoma, for Oklahoma values. I look forward to the great friendships that will be formed in these hallowed halls and to working together in advancing the prosperity and promise of this great Nation.

I would like to say a special thanks to my father who got me started in politics, and I know he is looking down on me and he is happy that his son got elected to the Congress.

CELEBRATING HADASSAH'S 90TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in 1912 Henrietta Szold founded what is now the largest women's and the largest Jewish membership organization in the United States, Hadassah, the Women's Zionist Organization of America.

This year marks its 90th anniversary, celebrating continuous efforts of more than 400,000 Hadassah members in Florida alone.

Some of the outstanding women of Hadassah in my own south Florida congressional district are Alecia Sachs, the regional president; Mildred Riesenber, the 90th anniversary Chair; Phyllis Goldman, the major gifts fundraising coordinator; Mindy Tucker Olofson, membership coordinator; and Pam Brown, Woman of the Year Chair.

Mr. Speaker, please join me in honoring the spirit of volunteerism and community service that thousands of Hadassah members perform each and every day. Congratulations to each Hadassah member in the Nation.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF BLACK AMERICANS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the accomplishments and contributions of black Americans to this Nation.

February is Black History Month. Established in 1926 by Carter G. Woodson, Black History Month raises awareness of the history of black Americans in our schools and across our Nation.

As a child, Mr. Woodson had to earn money for his family, and so he was not able to start school until very late in life. His motto of "it is never too late to learn" is something that all of us can use every day in our learning and growing, especially when it comes to the history of this Nation.

February is also a significant month for the birthdays of great African Americans, pioneers in many ways to our Nation. These include the birthdays of Frederick Douglass, W.E.B. DuBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress.

During Black History Month, we should take the time to continue learning about the contributions, the struggles and the perseverance of African Americans here in our Nation. Our country would not be as culturally diverse without their contributions.

HONORING LUKE ROTH

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, Luke Roth, born December 9, 1953, died of cancer yesterday. A proud graduate of Princeton, a devoted husband to Katie, a loving father to Luke, Anne, and Clare.

Luke was my district director for 6 years and then was President Bush's State campaign director. Luke loved politics. He even met Katie on the campaign trail.

He was a big man, he wore a size 13 EEE shoe, and I never met a man with a bigger heart. Luke believed passionately in American democracy. He was a student of history. He would think there is no higher tribute than if I simply said Luke Roth, servus publicus, civis: public servant, citizen.

All who knew this loving bear of a man are mourning his passing. Our grief is tempered only by our belief that if there was ever anyone who merited heaven, it is Luke.

Luke has left big shoes for us to fill. May he rest in peace.

GERMAN EMBASSY LETTER REGARDING ABDUCTED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I will stray from the story of Ludwig Koons to respond to a letter from the German embassy that was published in the Washington Post.

I am delighted to hear the German government agrees that abducted children deserve swift and fair decisions

and it is committed to ensure that this happens. For most parents who have been separated from their children for years, this will certainly be an enormous relief.

I completely agree that abducted children deserve more than rhetoric, which is what most left-behind parents have had to contend with. Hopefully, the German authorities will keep their word and take some positive action to ensure that left-behind parents gain access to their children.

Nobody implies that courts in the United States are perfect, but this does not absolve the German authorities of their responsibilities to allow non-German parents to see their children. As the German embassy rightly pointed out, Germany is not the only country that has a poor record in returning abducted or illegally retained children to their country of origin.

Most left-behind parents are left without any enforceable access rights. This cannot be allowed to continue. We must bring Ludwig Koons and all of our children home.

WELFARE REFORM PRINCIPLES

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, yesterday the President of the United States outlined the principles for the reauthorization of welfare in America.

Many years ago, Ronald Reagan spoke of the purpose of welfare, saying, it is not simply to provide for the needy but more than that, to salvage these, our fellow citizens, to make them self-sustaining and as quickly as possible independent of welfare.

□ 1045

I rise today, Mr. Speaker, to extol my colleagues on both sides of the aisle and the previous administration for enacting the welfare reform laws of 1996. They have been an unqualified success. Half of all welfare recipients got real jobs since that day and age.

Welfare reform has lifted 2.3 million children out of poverty; and, since 1996, we have actually reversed a decades-old explosion of out-of-wedlock births, recognizing that a marriage is the best environment for escaping poverty and building strong and healthy and well-balanced children.

Let us stay the course. Let us keep the purpose of welfare, so adequately described by President Reagan, and measure welfare success not by how many people arrive on welfare but by how many people leave it.

VETERANS COPAY FOR PRESCRIPTIONS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, we oftentimes speak glowingly in here of

our respect for our military personnel and of our appreciation for what our veterans have done for us, but oftentimes our words are inconsistent with our behavior.

Many in this Chamber do not realize that just a few weeks ago we increased the copayment for prescription drugs that veterans must pay for these needed medications from \$2 to \$7 a prescription. Many veterans receive over 10 prescriptions a month. Ten times \$7 is \$70 a month. Many get a 3-month supply at one time. That is a cost of \$210.

I have introduced H.R. 2820, which will return the copay from \$7 back to \$2 and will freeze it at that level for 5 years. This is the least we can do for those who have served our country so nobly.

MARRIAGE: A WOMAN'S SAFETY ISSUE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, preserving and strengthening marriage in America is not just a values issue, it is a safety issue, especially for women. According to Federal statistics, women are much more likely to be victims of domestic abuse if they are not married.

In fact, domestic partner or spouse abuse against women is almost three times as high among cohabiting couples as it is among all married, divorced, and separated couples combined. If we simply compare married couples to couples who just live together, violence against women is five times as high for those who are not married.

Clearly, women are safest when they are living in healthy, committed marriages. To most Americans, this sounds like common sense, but for the most at-risk women in America, I mean poor women, our welfare laws create a strong disincentive against marriage. Mr. Speaker, that needs to change.

I hope that when we reauthorize our welfare laws later this year that we will address this. America's families and America's women deserve no less.

CONGRESS SHOULD NOT ENDORSE DECEPTIVE SENIOR GROUPS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I am introducing a bill in response to the deceptive tactics of a group that preys on our senior citizens. The Retired Enlisted Association's Senior Citizen League, or TREA, as it is called, has repeatedly targeted seniors with deceptive "Notch" mailings in an attempt to extort millions of dollars from these seniors.

This is a scam. TREA is telling seniors that they are working to correct a problem that does not exist in an at-

tempt to bilk the elderly out of their hard-earned money. From 1997 to 2000, this group raked in over \$46 million.

Because of these tactics, today I am introducing the Senior Protection Act, which would revoke TREA's Federal charter, a distinction given to groups with a patriotic, charitable, or educational mandate. Their deceptive tactics reflect none of these characteristics.

Congress can no longer turn a blind eye to TREA's fund-raising schemes which exploit our seniors. Mr. Speaker, I would ask my colleagues to join me and cosponsor this necessary legislation.

IMPORTANCE OF MARRIAGE

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to affirm the importance of strong marriages in America. A strong marriage is the foundation for a strong family. Strong families, in turn, are fundamental to the pursuit of stronger communities and a stronger Nation.

There are numerous studies and statistics that document how critical it is for children to have a mother and a father dedicated to each other. If we genuinely desire to do what is right for our children, we must work to ensure that every child has the guidance that a strong marriage provides.

As convincing as the statistics are, I know these principles to be true based upon my own experience. My wife Anne and I have been married for 33 wonderful years. Our four children are living examples of what a strong marriage can provide. While we are far from perfect, I have seen firsthand the incredible results of a strong marriage.

We must continue to support measures that encourage and strengthen this sacred institution.

TRIBUTE TO JOHN STEINBECK

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, today I rise to address the House regarding the centennial of the birth of one of our greatest American writers, John Steinbeck.

John Steinbeck brought honor to the United States as a distinguished writer and endured criticism and suspicion for his progressive ideas and the themes of his novels, short stories, and essays. His work reflects deeply the compassionate view of America and Americans.

John Steinbeck promoted a greater understanding of the lives of people who experienced difficult economic times, war, the fulfillment of scientific study, the value of hard labor, the difficulties and joys of the bonds within families and between friends.

People from around the world are attracted to the central coast of California to visit the rich fields of the Salinas Valley and the bountiful Monterey Bay described in Steinbeck's books.

I believe the life and work of John Steinbeck deserves congressional recognition. I encourage my colleagues to support the bill I am introducing today to offer our appreciation and deep respect for the writings of a great American, John Steinbeck.

OFFER OF PRAYERS FOR MARTIN AND GRACIA BURNHAM AND OUR MILITARY PERSONNEL WHO ARE CASUALTIES IN GLOBAL WAR ON TERRORISM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 277th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Last Thursday, 10 American servicemen lost their lives in a helicopter crash while conducting a bilateral training exercise with the Philippine Defense Forces.

From the Army's E company, 160th Special Operations Aviation Regiment, Airborne, we mourn Major Curtis D. Feistner, Captain Bartt D. Owens, Chief Warrant Officer 2 Jody L. Egnor, Staff Sergeant James P. Dorrrity, Staff Sergeant Kerry W. Frith, Staff Sergeant Bruce A. Rushforth, Jr., Sergeant Jeremy D. Foshee, Specialist Thomas F. Allison.

From the 320th Special Tactics Squadron, we mourn Master Sergeant William L. McDaniel, II and Staff Sergeant Juan M. Ridout.

I am extremely grateful for their service to our Nation. I send heartfelt prayers to their families, friends, and fellow soldiers for their loss. Their honor, courage, selflessness, and patriotism cannot be overstated.

These fine men were casualties in our global war on terrorism. The U.S. military's presence in the Philippines is assisting the Philippine government in their own national war on terrorism with the Abu Sayyaf. It is hoped that the Army's presence there may additionally help in the freedom of Martin and Gracia Burnham from their nightmare.

I ask my colleagues to join me in praying for these men and their families. Let us continue to make our Nation a shining beacon of freedom so their deaths were not in vain. Also, let us pray for Martin and Gracia, that they are safely released, so the Burnham family does not suffer the same heartache as these servicemen's families.

TRIBUTE TO DEREK PARRA

(Mr. BACA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to pay tribute to one of America's Olympic heroes, skater Derek Parra.

Derek is from my district. He went to school with my son, Joe Baca, Jr., and I attended church with Derek's father, Gilbert Parra, at Saint Catherine's in Rialto. His dad and I play golf together, and we used to play softball on the same team.

Derek unexpectedly broke the world record in the 5,000 meter speed skating race and won the silver medal. Derek later broke another world record in the 1,500 meter speed skating race. This record held, and Derek won the gold medal.

Derek's road to the Olympics has not been easy. He and his wife Tiffany have struggled to make ends meet raising their baby girl, Mia Elizabeth, while Derek trained for the Olympics.

As the first Mexican-American ever to win a medal in the winter Olympics, Derek expanded the dreams of millions of children. In a world that often tells our children, "no, you can't," Derek Parra has shown that "si, se puede," yes, you can compete. Through faith, determination, and hard work, Derek broke down barriers to become a beacon of hope for our children and children everywhere. Derek is truly a role model for others to follow.

Derek made history and opened the world of possibility for Hispanic Americans. His dream said, "dream big and don't be afraid." We are proud of you, Derek. You are our hero. God bless you.

IMPORTANCE OF MARRIAGE INITIATIVES IN WELFARE REFORM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, between 1970 and the year 2000, the number of children living in a single-parent home has jumped from 8.2 million to 19.2 million. That is almost a 150 percent increase.

The effect of that change had a devastating consequence. Children living with a single mother are six times more likely to live in poverty than children living in a complete family. The median income of a single mother with kids is about \$21,000. For a married couple with kids, it is about \$63,000. Almost a third of single-parent families with kids live in poverty. Only 6 percent of families headed by married couples live in poverty.

Mr. Speaker, it does not take a nuclear scientist to figure out that marriage is good for kids. But that is saying the cup is half full when it is really half empty. It is clear not being married is devastating to our children.

Our welfare laws still penalize poor couples from getting married. Congress needs to change this and change it for good.

FULFILL COMMITMENT MADE TO FUND UNPFA

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, last year Congress and the President agreed to fund UNPFA, the United Nations Population Fund, at \$34 million. Now the administration has said they will not spend the funds appropriated by Congress in accordance with the bipartisan deal that was made. They say that UNPFA performs abortions and points to their work in China.

What opponents do not say is that UNPFA does not perform abortions, not in China, not in Africa, and not in Latin America. They never have, and they never will.

My colleagues know U.S. law prevents them from doing so. Secretary Colin Powell and U.N. Ambassador John Negroponte know this as well.

President Bush knows this. That is why in his first budget in Congress he asked for \$25 million and most recently, last fall, approved US money for UNPFA for Afghan refugee women's health care.

Our country disagrees with the family planning policies of the Chinese Government. We all want change, and change will come through groups like UNPFA and USAID, who work to encourage voluntary family planning to control a surging population.

But let us not tie up \$34 million in funding that will save women's lives and children's lives around the world, to prevent the spread of HIV and AIDS and to improve child health survival.

President Bush said that we fight the Taliban to give hope to women in Afghanistan. Let us fulfill the commitment of Congress to give hope to all women around the world.

IN MEMORY OF DANIEL PEARL

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise today in great sorrow and with much horror about the vicious killing of Wall Street Journal reporter, Daniel Pearl, in Pakistan.

A gentleman and a premier journalist, he enriched the lives of many, including people in my own hometown of Indianapolis during the summer of 1985, where he worked as an intern for the Indianapolis Star.

It was in Indianapolis that Mr. Pearl launched his career in journalism and discovered his passion for reporting. As a reporter, he always knew his job could sometimes put his life in jeopardy, but as the Indianapolis Star wrote so eloquently, David's death in the line of duty brings home the lesson taught by the Ernie Pyles of our history, that journalism, when taken to the heart of human conflict, can be the

most honorable of vocations and among the most dangerous.

The pain of his untimely death transcends our borders. He will be missed by caring people universally. My heartfelt sorrow and prayers go to his child yet to be born, his wife, his family and his friends, and certainly all of us who knew him.

□ 1100

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1542) to regulate the Internet and high speed data services, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division in the House or in the Committee of the Whole.

H. Res. 350 waives all points of order against amendments printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 350 is a structured rule providing for the consideration of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

H. Res. 350 provides for 1 hour and 20 minutes of general debate, with 1 hour of that time equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 350 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole.

H. Res. 350 provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. It also provides that no further amendment to the bill, as amended, shall be in order except those amendments printed in part B of the report of the Committee on Rules.

H. Res. 350 provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division in the House or in the Committee of the Whole.

H. Res. 350 waives all points of order against amendments printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge the House to approve this resolution so that we can move on to a vigorous debate on the underlying bill, the Tauzin-Dingell broadband measure.

When the House of Representatives was writing the 1996 Telecommunications Act a number of years ago, I played a role in helping to restore a sense of balance to that bill with respect to its treatment of the various segments of the telecommunications industry as it moved from the Subcommittee on Telecommunications and the Internet to the full Committee on Commerce, to the floor, on to the other body, and eventually into public law. I did so because I believed key to enacting such a monumental, deregulatory

telecommunications measure was to take a balanced approach.

I am somewhat dismayed with the current form of H.R. 1542, as I fear that it moves the telecommunications market away from the progress we have started to make under the 1996 act, and puts us instead on a road towards large, unregulated monopolies dominating the telecommunications industry.

This rule provides for two different amendments to section 4 of the bill, which has been at the center of the debate on this proposal from the beginning.

With respect to the upcoming debate regarding the Buyer-Towns and Cannon-Conyers amendments, I will support the Cannon-Conyers proposal, which seeks to address some of the telecommunications industry's concerns with the current version of the Tauzin-Dingell bill, and in doing so will bring some sense of balance, in my judgment, to this proposal. In closing, I am going to vote for this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support this rule, and to support the underlying bill because it will help close the digital divide and increase people's access to high-speed Internet service.

I want to take a moment to put this issue in perspective. I may be dating myself a little, but the transition to broadband today reminds me of the transition to color television more than 40 years ago. When I was growing up in Fort Worth, just one family in my neighborhood had a color television. Everyone else had black and white sets. So when we wanted to watch football games in color, all of the neighborhood kids would pack into that one lucky family's house.

Mr. Speaker, that is the current situation with broadband. Today, many homes and businesses in communities across the country have no more access to high-speed Internet service than they did 3 years ago when this bipartisan bill was first being debated in Congress. So needless to say, I am very pleased that the House will finally vote on H.R. 1542, the Tauzin-Dingell broadband bill today.

Mr. Speaker, I support this legislation because it will expand access to high-speed Internet connections and increase competition for broadband services. Our current telecommunications law was passed only 5 years ago, but it is already outdated for the rapidly-evolving Internet markets.

Tauzin-Dingell will permit Bell operating companies to operate high-speed data networks, the backbone of the Internet, throughout the country. It will also require those companies to upgrade all of their systems, in every community, for high-speed Internet within 5 years.

Under current law, different rules for different broadband platforms have stifled innovation and saddled consumers

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

with higher prices and fewer choices. Companies that offer high-speed Internet access over cable lines or satellites are allowed to compete free from regulation. But local phone companies that provide DSL service, which also offer high-speed Internet, are regulated like an old-fashioned telephone service.

This disparity in regulation restricts access to high-speed Internet in many parts of the country. Presently, only a fraction of households have access to broadband services, and rural areas and inner cities are particularly underserved today. This bipartisan bill will help bring broadband to these underserved communities by utilizing phone lines that already run into nearly every home.

Mr. Speaker, current law also drives up the cost people pay for high-speed Internet. Right now 64 percent of those households that have high-speed Internet access use cable modem service. Tauzin-Dingell would provide these consumers with another alternative by lifting the regulations on the major providers of DSL service.

Let me give a couple of examples of how that affects families and small businesses. Many children use the Internet to do their homework, and if they cannot get high-speed service, kids have to spend the entire evening on the computer waiting for the information they need to complete their lessons.

Mr. Speaker, this bipartisan bill could also bring broader benefits to our economy. Unleashing competition in broadband service will lower prices for those using broadband services, and will bring high-speed Internet to consumers and small businesses without access today, allowing them to be more productive and more likely to invest in new equipment and technologies.

By passing the Tauzin-Dingell bill today, Mr. Speaker, we are bringing high-speed Internet a step closer to all of our constituents. The greatest benefit of the Internet is choice. Consumers today can get the news and information they want, when they want it. Tauzin-Dingell will help preserve the free and open nature of the Web by giving consumers greater access to broadband connections and more choices in high-speed Internet providers.

Mr. Speaker, some Members have reservations about the way the Conyers amendment is treated under the rule. They feel Conyers should be entitled to a straight up or down vote rather than being subjected to a substitute by Buyer and Towns. They will be given ample time during the debate on the rule to express their concerns.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), the sponsor of the Tauzin-Dingell bill.

Mr. TAUZIN. Mr. Speaker, I suppose everyone in America has heard the term Tauzin-Dingell to describe this

bill, but I want to describe the full and complete name of the bill. The bill is correctly entitled the Internet Freedom and Broadband Deployment Act of 2001.

Mr. Speaker, why is that important? Because that is essentially what the bill does. It ensures that the Internet remains free. Free of what? Free of government regulation both at the State and Federal level and makes sure that the Internet in fact is as free as Americans and people around the world hoped it would be.

Secondly, it is about broadband deployment, and I want to associate myself with the fine description of the gentleman from Texas of how this bill delivers access to citizens in the poorest parts of America who will wait forever for broadband services unless we turn lose the creativity of these companies.

Let me try to put it in lay terms as I would explain to my buddies at a hunting camp in Louisiana what broadband really is. The gentleman from Texas (Mr. FROST) said it right. Broadband is a system that delivers the Internet. It is about the Internet. It is not about the old world of telephone compensation where the government separates so Americans have to pay more every time you make a distant call.

Mr. Speaker, it is about the Internet where distance is irrelevant, where Americans can share data and information with anyone in the world. It is about a distant irrelevant, incredibly important new communication system for our country and the world. And broadband is not the Internet our daddies drove. It is the new Internet. It is not the Internet where we had to dial up and wait patiently to get some information. It is a new, high-speed, hot, ready to go, rich-with-information system that is going to make the Internet the engine that is going to drive the American economy into the future.

This bill is about jobs. It is about creating 1.2 million new jobs to replace the 300,000 jobs lost in the telecommunications industry. It is the biggest consumer bill we will see this Congress because it gives consumers across America, some of them the first chance to get broadband, where we are only 10 percent connected in this country, and some of them a chance to get a competitive system so they can choose between broadband suppliers. Members know the difference there. Members know what happens with one store in town: there are high prices, bad products, bad service, and bad attitudes. When the second store comes to town, consumers get better prices, better service, better products and better attitudes.

Mr. Speaker, this bill is about bringing the second store to town, to make sure that the dominant cable broadband supplier has a real competitor at home so consumers can make a choice. It is about making sure that the Internet is free from the bureau-

crats who might regulate it to death the way they almost did the telephone industry. This is a bill about protecting the Internet and its freedom, developing its capabilities for our country, and creating new jobs. I commend the Committee on Rules for finally bring it to the floor for a vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this bill for the reasons that were just enunciated by the gentleman from Texas (Mr. FROST) and the gentleman from Louisiana (Mr. TAUZIN). At a time when our economy is suffering and thousands of people are out of work, this is just the kind of measure that will help spark the new economy and new growth.

□ 1115

Today, fewer than 8 percent of Americans have access to broadband. In my home State of Michigan, many small businesses are without the high-speed Internet service that they need. This bill will help them do their business more efficiently and will help them prosper.

I might say, also, that our State, the State of Michigan, ranks among the lowest for access to broadband in homes and schools. Outdated government regulations have prevented those in rural areas, and even in the metropolitan Detroit area, from receiving high-speed Internet service. Meanwhile, decreasing investment in the telecommunications industry has put over a quarter of a million people out of work. The telecom industry has suffered over 10 percent of the layoffs that the Nation has experienced this past year.

Today we have an opportunity to reverse this downturn in our technological sector and provide hope for thousands of workers who rely on its growth for a steady paycheck. By creating more vibrant competition between cable and telephone companies in the rollout of broadband, it is estimated that this bill could boost our economy by as much as \$500 billion per year and create over 1 million jobs in the technology sector. Accelerating broadband deployment in Michigan could boost our State's economy by over hundreds of billions of dollars over the next 10 years and almost 500,000 jobs.

I like those numbers. Those numbers mean good jobs and creating and diversifying the economy in the State of Michigan.

I want to vote for a bill that will provide jobs for working people. The Communications Workers of America have highly endorsed this bill, as have the AFL-CIO, because they know these are good jobs and many of them are good union jobs. I want to give more families the economic security that they

need, and I want to take action to boost our economic growth to ensure a better future for the people of Michigan.

I urge my colleagues, vote for this rule, vote for this bill, give our economy the jump start that it has needed and put our workers back to work.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I have to reluctantly rise in opposition to this rule presented by my leadership.

Chairman TAUZIN and I have a legitimate difference on policy grounds as to what the effect of this bill will be. We have had it for a long time, and I respect his views. He has been straight with me about what those views are, and we have been unable to bridge that policy gap. We differ on whether this bill will create jobs, whether it will bring competition, whether it will be good for rural areas; and this bill is strongly opposed by 90 percent of the public utility commissioners, by the rural utilities, by the long distance companies, by the competitive carriers and by the rural telephone companies.

There is a very important difference of opinion. Those organizations and the people I represent deserve a vote, a straight up or down vote, on the important public policy matters before us. I do not believe that this rule gives it to them.

The rule is very clever, but it is not fair. It is not fair to submerge a very important policy issue in a nest of amendments to amendments. That is not right. I do not believe this bill will bring competition. I do not believe it will build rural jobs. I do not believe it will give more choice to the people that I represent.

I had offered in the committee an amendment that I think would make this bill supportable, but that amendment is not going to be heard on its merits in an up or down vote, and it deserves that. For that reason, I will oppose my leadership and I will vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this rule. I also have very strong concerns about the underlying bill because this body is once again beating the drum to remove what nominal protection our constituents might have in the face of powerful monopolies. I do not know about your region of the country, but where I am from, every time Congress dismantles a regulatory scheme and hands it over to the private monopolies, my constituents take it on the chin. Airfares, cable rates, utilities, you name it, all have skyrocketed in recent years after Congress or legislatures decided that unregulated monopolies, rather than ratepayers, know best.

This bill poses a real threat to what meager competition we have been able

to squeeze out of the Telecommunications Act of 1996. As my colleagues know, that act opened, or was supposed to, local markets to competition by requiring the four monopolistic, multi-billion-dollar Bell operating companies to lease elements of their local telecommunications network to competitors on a cost-plus-profit basis. Competitors simply would not have had the ability to compete against the Bells' sheer financial power without that, but it never happened. Their infrastructure continues to dominate telecommunications today. I have no doubt that passage of this legislation could put over a hundred small companies out of business.

Yesterday, I met with employees of PaeTec Communications in my district of Rochester, New York. The energy, the creativity and, most importantly, the competition that these smaller companies provide are all that stand between our constituents and the unregulated monopolies. Tauzin-Dingell would be a lethal blow to scores of these small telecommunications companies who are still scratching to make inroads into the markets.

Of major concern to me, moreover, is Congress' willingness to undercut government bodies from doing their job to protect consumers. Take a look at section 4(a) of the bill. It says, "Neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high-speed data service, Internet access service."

So no one, not you, not me, not local ratepayers, not State legislatures, not Governors, not the FCC, not the DOJ, has any authority to step in and prevent abuses.

My colleagues, this is an extraordinary hand-off of power and should give us long pause.

I hope that this rule will go down and, should it pass, please vote "no" on the underlying bill.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise for the first time in my life in opposition to a Republican rule.

Mr. Speaker, I am pretty sure that it was one of the name sponsors of the bill before us, and the Dean of the House, who once said words to the effect of, "If you control the substance but I control the process, I'll beat you every time." If I am not quoting or attributing it correctly, I apologize, but whoever said that, that is what is being borne out today.

The rule before us has one simple purpose. It is designed to prevent a vote on any amendment not supported by the Bell monopolies. Granted, if one looks at the amendment list, they will see an amendment from me and the gentleman from Michigan (Mr. CONYERS), but another hostile amendment is made in order as a second-degree amendment in an attempt to prevent a

vote on ours. An elegant gag rule is still a gag rule, and that is exactly what this is.

In a way, this rule is sort of a microcosm for the larger debate at hand. The Tauzin-Dingell bill and especially the Buyer-Towns amendment are designed to appear to give competitors fair access to monopoly facilities. It is only upon closer examination that one realizes that they are designed to shut competitors out. Similarly, this rule is designed to appear to give pro-competition Members a chance to offer an amendment, when in truth it does just the opposite.

Supporters of this rule argue that it is necessary to do this to avoid a situation where two contradictory amendments to section 4 of the bill are adopted. This is simply not true. The two amendments speak to different issues in section 4 and would be complementary if adopted.

So why is such a tortured rule necessary? The sponsors of this bill know that the vast majority of Members of this body are uncomfortable with the Tauzin-Dingell bill. Few Members understand it completely, but they have a sense that they may be giving away the store to the Bell monopolies. Given a chance, most Members would probably support some effort to preserve the investments people have made in competitive networks to avoid a complete remonopolization of America's telecommunications system.

So, sensing concerns about the substance, the bill's supporters have decided to rig the process. They have come up with a fig leaf of an amendment that essentially restates Chairman Tauzin's position as of December, which in turn reflects a proposal put forward by a Verizon executive last fall. They stack that amendment on top of my amendment to prevent a vote and thus give Members no outlet for concerns about the monopoly effect of the underlying bill. This is a disservice to the legislative process, to the Members of this body, and ultimately to the consumers of telecommunications services, our constituents.

Those who support a fair and open discussion of the significant issues at hand should oppose this rule; and, should it pass, those who support a fair and open telecommunications marketplace should vote down Buyer-Towns and support Cannon-Conyers.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in opposition to the rule for the reasons that my colleague, the gentleman from Utah (Mr. CANNON), has outlined, that if Buyer comes up first and prevails, Conyers-Cannon never sees the light of day. So that is why a lot of people are joining in a bipartisan way to vote down the rule, because we want to just get the vote out. That is all we are asking for is a vote.

So the Bells, I will not say the Bells wired the Committee on Rules, because

they do not do such a good job anyway, but this is not the way to proceed.

There are a number of myths going on here. Number one, that there are between 1.3 million new jobs to be created under Tauzin-Dingell or 1.5 million as another leader states. New jobs, 1.5 million new jobs. By eliminating the CLECs, you will now get new jobs created. Not true. Not only will there be zero jobs created, we will lose jobs.

Number two, the Tauzin-Dingell bill will speed up rural deployment of the high-speed Internet. Great. Except the experts say no, just the opposite.

Number three, and I only wish my dear colleague and friend, the gentleman from Michigan (Mr. BONIOR), were here on the floor, but I am going to do this, anyway. Ask anybody in Detroit how great Ameritech's service is, and they will tell you, nine out of ten, that they keep raising the rates, the service is lousy, the CWA workers are picketing as I speak. It is all over television and the newspapers, I say to the gentleman from Michigan (Mr. UPTON). The relations are horrible. And now people are telling us about how we love the Bells in Detroit. Wrong, big-time, very much in error.

So, ladies and gentlemen, we are dealing with a bill that barely passed the Committee on Energy and Commerce, was voted out negatively in the Committee on the Judiciary. Now we ask for a simple vote on an amendment, and the Committee on Rules gives us, yes, if you can defeat another amendment before that, and if you do not, Conyers-Cannon, you do not even bring yours up, and they walk around saying, "We got you an amendment in the Committee on Rules report." Thanks, Rules Committee, for all you have done to help further fair debate here.

So here we are dealing with the Bells, who want to repeal the 1996 portion, the most important part of the act. I hope that we will vote the rule down and vote the Conyers amendment up and, if necessary, the whole bill down.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a member of the committee.

Mr. UPTON. I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I would just remind my friend from Michigan that the CWA is in support of the legislation and I suspect the rule as well. I think that this is a fair rule.

I want to just go back in history for a moment and talk a little bit about this issue. This issue in the previous Congress I think had more than half the Congress as a cosponsor of the legislation; and, in fact, it is an improved bill from where we were a couple of years ago.

Let me also remind those folks in the Chamber and that are listening today as well that back in 1996 we lifted the regulations on cable; and, when that happened, the cable industry invested across the country some \$50 billion to

improve their systems, whether they be in Michigan or anyplace else in the country. The American public is pleased that that has happened in terms of the number of channels that are available, a whole host of things, as we look at what has happened with broadband, what is also called high-speed Internet access, that is available now.

This is a good rule. I commend the Committee on Rules. I also commend the Committee on Rules for making my amendment in order which says that the FCC, which complained bitterly over the last number of years that the fines were not high enough as they tried to impose some of the rules and regulations that were out there, that we wanted to do more than just a cost-of-business operation, and by allowing the Upton amendment as part of this legislation, I suspect that it will pass with a very strong margin, if not unanimous. We, in fact, strengthen this legislation; and I think that that is very important.

□ 1130

But as we look at the line-sharing amendment, the biggest amendments I would suspect that will be on the House floor this afternoon offered by the gentleman from Indiana (Mr. BUYER), this is an important improvement to the bill, because it in fact does allow the CLECs to have access to the ability to bring high-speed Internet access to the last mile in a much better fashion in fact than came out of committee; and I think it is an improvement to the bill, and I welcome the series of amendments that the Committee on Rules provided, and I thank them for their leadership and guidance as we see this legislation move to the floor.

The vote on the rule is important. It provides us legislation to get to the floor, obviously; and we then debate the amendments in the order prescribed. I urge my colleagues to support not only the rule, but the Buyer amendment, the Upton amendment, and, obviously, final passage when we get there later this afternoon.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what I would like everyone to do is to think of the rule which we are debating as a metaphor, a metaphor for the way that the Bell companies view all competitors and competitors' ability to be able to reach the consumer.

The Committee on Rules has structured a rule that allows for all the votes the Bell companies want on their amendments, but it is going to wall out all the competitors, all the consumer groups, all the public utility commissioners from having a straight up or down vote on what they think is the important formula that would be put in place in order to protect consumers and competitors in the country.

A metaphor, because that is exactly what the substance of their bill does. It

wants to wall out the competitors, wall out their ability to be able to reach consumers, wall out this pressure, this paranoia, that was induced in the Bells finally that they had to start moving on this new technology because they had other people out there. That is where this whole revolution came from, from the paranoia in the four companies.

So you have four companies, and, by the way, all of us only have one of them in our district, one, and then you have hundreds of other companies, Internet service providers, competitive local exchange companies, all out there. We call it the NASDAQ, if you are wondering why you never heard of it before 1997. It is all these companies that got created because of the 1996 Telecommunications Act.

So, this is a terrible rule. It does not allow anybody who is on the other side of the issue to get a straight up or down vote for consumers and for competitors. It is deliberately structured that way. It is a metaphor for how the monopoly sees all this issue. Not only do they have every American home wired, they have got the Committee on Rules wired. They are going to wall everybody else out. You cannot get in. And then there is this kind of pretend, oh, we will be fair, though. We will be fair. Where is the evidence we are not fair?

Well, of course, all the competitors are going to be posthumously vindicated, maybe someday in a court suit that is finally rendered, 5 years from now in bankruptcy court they will win something, but they will be out of existence, which is the dream of the Bells.

Now, I love these people that work for the Bells, they are good people, but that is an old way of looking at the world. They should be able to compete. They should be glad their competitors are there, because they have been forced to deploy tens of billions of dollars of new DSL technology.

Vote "no" on this rule. It will only take an hour to send it back up to the Committee on Rules, 1 hour. Then they will put our amendment in place so that all the competitors and consumers have a shot at it. One hour is all this it is going to take, and make it fair.

Everyone here has listened to Dingell-Tauzin, Dingell-Tauzin, for a year and a half; and the day of reckoning arrives, and the Bells do not want us to vote on the other side of the issue. So everyone here has already taken all the contributions from everybody on both sides. Now it is time to learn what the issue is, and the Committee on Rules has made it impossible to have a real debate.

Vote "no" on this very unfair rule.

Mr. LINDER. Mr. Speaker, at this time I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in opposition to this rule and to this bill.

In 1996, the big phone companies came to Congress and they asked to be deregulated. They promised that if we did so, they would provide better service and more competition. My constituents know that what has happened to telecom services since 1996 has not been good. We are not better off. We cannot read our phone bill, cable rates have skyrocketed, and neither Congress nor the administration seems to care.

Phone service is not better than it was in 1996. Michigan residents experienced a nightmare of waiting 30 to 45 days or more for service, and it took action by our State legislature to remedy that problem.

Competition is not better than it was in 1996. The big companies do not let competitors in. They would rather pay the fines. It is just a cost of doing business for them.

Now the phone companies come to Congress and say that if we will relieve them of their responsibilities under the 1996 act, they will improve Internet service and increase competition. In fact, passage of this bill will push other providers out of business, reducing choices and raising costs for the consumer.

This is not about what is good for the consumer; it is about what is good for big phone companies. The Baby Bells have broken their promise to comply with the 1996 law. That act was a compromise. It offered all parties opportunities and obligations. The big phone companies want the opportunities, but they want to be able to avoid their obligations.

The Federal Communications Commission has tried to make the big phone companies comply with the law. The Michigan Public Service Commission has tried to make the big phone companies comply with the law. No one has been able to make the big phone companies comply with the law. And now these same companies want a chance to do to the Internet what they have done to phone service. They say that if they get this new law, things will be better for Internet users. I do not think so.

I think H.R. 1542 is bad for consumers, bad for Internet service, bad for competition, and newspapers have editorialized against it all over the country. This bill is bad for my constituents. This is a bad rule to protect a terrible bill. Vote "no."

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. DAVIS), a member of our leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, despite my deep respect for the chairman of the Committee on Energy and Commerce, I have to rise today to voice my continued opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act, and my opposition to allow efforts such as the amendment offered by my good friend, the gentleman from Indiana (Mr. BUYER), which claimed to resolve the

concerns put forward over the past year by myself and other Members regarding the anticompetitive impact of the legislation. Both H.R. 1542 and the Buyer-Towns amendment kill competition, plain and simple. A vote for either of them is a vote against the competitive environment that we set out to create when we passed the Telecommunications Act in 1996.

Litigation brought competition to the long distance market, and similarly the 1996 act marked our recognition that innovation stimulated by competition was critical to bringing advanced technologies and services to the local market and, therefore, to consumers. Remember that DSL broadband technology has been available to Bell companies since the mid-1980s. It is only with the passage of the 1996 act and the resulting threat of competition that we actually saw DSL being deployed.

The act prescribed this recipe for local telecom competition through a carefully crafted dynamic that gives competitors access to the local network, an infrastructure built by nearly a century of guaranteed monopolistic profits; and in return the act deregulated the regional Bell companies by allowing them to compete in the long distance market from which they had been barred under the 1984 antitrust settlement with AT&T.

The strategy was simple and should remain so: offer the Bell companies an incentive to open their local monopolies so that conditions for market competition in the local loop will flourish and prices will drop. That incentive is deregulation. At this time, the incumbent carriers possess monopolistic control over 90 percent of their markets nationwide. Clearly, competition in the local markets targeted by the 1996 act has not yet arrived.

Unfortunately, H.R. 1542 and the Buyer-Towns amendment each accomplish the same objective. They irrevocably defeat the purpose of the 1996 act by destroying the efforts made since then to bring competition to the local telecommunications market. With little competition in the space that brings wire digital services into homes and businesses, there will be no competitors or forced markets to push the widespread and competitive provision of broadband markets.

I urge my colleagues to vote to retain competition, ensure that competitors have a chance to compete under the same rules that have promoted competition for the last 6 years.

Let us be clear: the Buyer-Towns amendment destroys that framework. The Cannon-Conyers amendment, on the other hand, keeps that competition alive. Vote "no" on Buyer-Towns, and "yes" on the Cannon-Conyers amendment.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Texas, and

the dean of our delegation, for allowing me time to speak on the rule.

I rise in strong support of the rule and H.R. 1542, the Tauzin-Dingell bill. I support the rule even though my colleague and I, the gentleman from New Jersey (Mr. MENENDEZ), were denied an amendment that we had on the bill that would have provided additional reporting requirements, because one of the concerns we have is that there are people in this business who want to cherry pick and not serve the underserved areas like I represent and the gentleman from New Jersey (Mr. MENENDEZ) represents. I understand the rules process, and my amendment was not made in order; but I still strongly support the rule and the bill.

I have been to the work sites and seen the competition that is there now, and I also see the rules that our local phone companies have that they cannot compete with. America needs more competition in the broadband marketplace to challenge the dominant cable companies.

H.R. 1542 provides this regulatory relief. It allows for our local phone companies to increase the investment and also to make it more affordable for our own constituents to be able to get this service. This bill will speed the broadband deployment in traditionally underserved areas similar to the area I am honored to represent. That is why we need to pass it today.

Mr. Speaker, in closing, I support the rule and the underlying bill, and I urge my colleagues to support both of them.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the legislation that we are about to debate today has been a long time in coming. As I read my letters of support and opposition, there are many people who, on both sides of the issue, ultimately hope that we will have a very positive compromise for what is a good premise in the Tauzin-Dingell bill, and that is for access to DSL for all Americans. I applaud that, and I applaud the framework that will help us reach that goal. Additionally, I might add that I am pleased to see the number of amendments that were made in order.

But I would raise a question of when we begin to talk about changing the face of America with respect to DSL, we should enhance the opportunity for discussion and debate, and we should always respond to the needs of competition.

My amendment that had to do with making sure a study would be rendered by the FCC should have been made in order to determine, Mr. Speaker, the fact of whether or not this language in this bill is working.

In addition, as I close, simply, Mr. Speaker, it would be important for us

to have an assessment of whether or not urban and rural communities, inner-city communities, libraries, schools, African Americans and Hispanic-serving institutions were also being connected to the DSL.

I hope as we debate this on the floor of the House these issues will be addressed, and I hope ultimately we will have the answer of broader and expanded competition as we move this legislation forward.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I stand here to support the rule. Obviously, I serve on the Committee on Commerce and the Subcommittee on Telecommunications. But I say to my colleagues, the gentleman from Louisiana (Mr. TAUZIN) has waited many, many months. This passed out of our subcommittee. It was controversial. There is one particular amendment that could have killed the bill. But it finally came out of our committee, and I think the time is now that we should bring it on the House floor and have a full debate.

If it turns out this bill is defeated, the gentleman from Louisiana (Mr. TAUZIN) will move on. But if the bill is passed, the Senate, under Mr. HOLLINGS, is going to have to look at this bill carefully. Right now he is not doing that. But we cannot have this debate in America if we do not pass the rule. So I urge my colleagues to pass the rule.

A lot of people have talked about the economy. This is a big-box economy. The NASDAQ has dropped dramatically, and part of it has been because the potential for broadband has not been met. If this in some small way moves the economy forward by giving high-speed Internet access service to Americans, then so be it. Right now cable has it. Perhaps we need competition for cable, and this would do it.

So the lack of availability of high-speed connection has, I think, in fact slowed the growth in this economy and shunted off development. We can see a lot of new things happen if we can get broadband jump started, and I think Tausin-Dingell is moving in that direction. However, there are several amendments that are going to be proposed, one in particular, the Buyer-Towns amendment, which I think is a good compromise.

So I think we have an opportunity to amend this bill, and in the end I think my colleagues will realize it promotes competition, it promotes choice and innovation.

□ 1145

That is why I support the rule and I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, anybody who has been in this place for more than 2 weeks and knows the phone number of the Parliamentarian could easily have found out that the rule before us is an eminently fair rule. Indeed, it is a conventional rule. It is one which allows the proponents of Cannon-Conyers to offer their amendment. It allows those who do not quite agree to it to offer a different amendment as a substitute. And under the normal Rules of the House of Representatives, I will tell my good friends and colleagues who are on the other side it then allows the first vote on the substitute so that the amendment offered by Cannon-Conyers, which, by the way, is very similar to one rejected by the Committee on the Judiciary, can then be first perfected.

To my good friends who support Cannon-Conyers, I will simply observe, if you win, you will get your vote; if the House wants you to have a chance to prevail, you will, and you will then have a chance to offer your amendment. You will, in any event, be able to offer your amendment and have it considered by the House and debated.

Mr. Speaker, this is the normal process under which the House considers legislation.

So I would urge my colleagues to recognize that this is a fair rule. It is a conventional, traditional rule, one of the kind which has always been offered and which is viewed in the 200 and more year history of this institution as a fair and proper way in which the business of the House of Representatives should be conducted.

Now a word about the legislation. The legislation is very simple. There has been a great deal of whining and complaining by a group of monopolists, would-be monopolists and parasites who do not want the legislation. The reason they do not want the legislation is it lets everybody compete in, guess what, Internet and broadband. It requires the broadband to be made available to the entire country within 5 years. The United States is now behind the whole world, the industrial world, in making broadband service available to our people. The investment in it is being strangled. This bill permits everybody to get in and to invest and compete.

The House, in 1996, made the judgment that we were going to encourage the widest use of telecommunications and access to the information super highway, the intellectual highway, by allowing the fullest possible competition. We do not affect local net and long-distance for voice competition. We affect here only the Internet. This is opposed, as we might expect, by AT&T, which just wants to continue its ancient and special privilege. But it is supported by the AFL-CIO, the CWA, and others who want to see to it that we get the service that we need for our people in this area.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Reluctantly, I rise to oppose this rule. I am disappointed in it. This is a piece of legislation about which there is legitimate disagreement. Some believe it will enhance competition, and their belief is genuine and sincere, but others believe it will not. Many of us believe that it will indeed hamper competition and that we will have a further strengthening of the existing Bell monopolies. But that really is not the issue that is fundamental to the rule.

The issue that is fundamental to the rule and the reason I oppose it, and I urge my colleagues in the strongest possible terms to vote against this rule, is that it is fundamentally unfair. With this rule what happens, which is sad and which is unfair, is that we deny the opponents of this legislation a fair up-or-down vote.

Now, it is true that often legislation is brought to the floor and that those who want to improve it are allowed to offer a manager's amendment to improve it. But in this instance that is not what is happening. Instead, what is happening is that the improving amendment is being offered as a second-degree amendment. That is a perfectly good structure in one sense in that it will allow people to vote on that second degree amendment, but it is not the norm, and it is not what will allow people to have a chance to vote up or down on an amendment that would call for true competition in the form of line-sharing. It is sad to me, it is disappointing to me, that the opponents of this bill do not get a fair chance to voice their view.

Now, also under this rule I will note that at least two-thirds of the time is being given to advocates of the time, while it appears less than 10 minutes, maybe at best 10 minutes, will be given to those who oppose the bill. I believe that is another defect in this rule which we ought to be concerned about.

For those who are concerned about competition, for those who favor markets, for those who oppose monopolies, and for those who support fairness, I urge my colleagues, please follow this debate and please vote against the Buyer amendment. Though its authors believe it will allow competition, it will not, in fact, do so. Vote for the Cannon amendment, and vote "no" on this rule.

Mr. SENSENRENNER. Mr. Speaker, I rise in strong support of this rule and appreciate the consideration the Rules Committee has given the Judiciary Committee. This Rule recognizes the Judiciary Committee's important and historic role with regard to telecommunications policy, particularly as it relates to issues involving competition, by providing 20 minutes of general debate equally divided between myself and the ranking member of the Judiciary Committee.

Upon adoption of this rule, two amendments negotiated between myself and Chairman

TAUZIN will be incorporated into this legislation. These amendments, which will significantly improve the bill, are the result of spirited negotiations that the Speaker requested we undertake. Although the negotiations were at times difficult, both sides worked in good faith to reach a final compromise which helped pave the way for today's floor consideration.

The first amendment provides that, not less than 30 days before offering interLATA high speed data service or Internet backbone service in an in region State, a Bell operating company shall submit to the Attorney General a statement expressing the intention to commence providing such service, providing a description of the service to be offered, and identifying the geographic region in which the service will be offered. This statement shall not be made public except as may be relevant to any administrative or judicial proceeding.

This amendment is important because of the long and checkered antitrust history of the telecommunications market. H.R. 1542 would eliminate the need to go through a regulatory process in deploying broadband, as the RBOCs will continue to be required to do for telephone services, and this amendment mandates that the antitrust enforcers at the Department of Justice will get 30 days notice before such service is offered.

The second amendment provides that the savings clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean that the antitrust laws are not repealed by, not precluded by, not diminished by, and not incompatible with the Communications Act of 1934, this Act, or any law amended by either such Act. This amendment, a version of which was adopted by the Judiciary Committee, is a response to concerns raised about any conflicting, confusing, or contradictory language found in the Seventh Circuit Court of Appeals opinion in *Goldwasser v. Ameritech Corp.*, 222 F. 3d 390 (7th Cir. 2000). In *Goldwasser*, the Seventh Circuit Court of Appeals construed the savings clause found in section 601(b)(1) (47 U.S.C. § 152 note) of the Telecommunications Act of 1996 (P.L. No. 104-104, 110 Stat. 56).

Mr. Speaker, many Members have labored on these issues and I appreciate their work, particularly the efforts of Chairman TAUZIN. I support the rule and yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 142, not voting 10, as follows:

[Roll No. 42]

YEAS—282

Ackerman	Gordon	Norwood	Abercrombie	Hinchey	Peterson (MN)
Aderholt	Goss	Nussle	Allen	Hoeffel	Phelps
Akin	Graham	Ortiz	Andrews	Hoekstra	Pickering
Armey	Granger	Osborne	Baird	Holt	Pitts
Baca	Graves	Ose	Bartlett	Honda	Pomeroy
Bachus	Green (TX)	Otter	Barrett	Hooley	Price (NC)
Baker	Green (WI)	Oxley	Berkley	Inslee	Ramstad
Baldwin	Greenwood	Pascrell	Berman	Israel	Rangel
Ballenger	Grucci	Pastor	Blumenauer	Johnson, E. B.	Rivers
Barcia	Gutierrez	Payne	Borski	Jones (NC)	Roemer
Barr	Gutknecht	Pence	Boswell	Jones (OH)	Rothman
Barton	Hall (OH)	Petri	Brown (OH)	Kanjorski	Royal-Allard
Bass	Hall (TX)	Platts	Captur	Kaptur	Sabot
Bentsen	Hansen	Pombo	Cannon	Kilpatrick	Sanchez
Bereuter	Hart	Portman	Cappo	Kucinich	Sanders
Berry	Hastings (FL)	Pryce (OH)	Carson (OK)	LaFalce	Schaffer
Biggert	Hastings (WA)	Putnam	Lantos	Lantos	Schakowsky
Bilirakis	Hayworth	Quinn	Clayton	Larson (CT)	Scott
Bishop	Herger	Radanovich	Condit	Leach	Shadegg
Blagojevich	Hilleary	Rahall	Lee	Lee	Shays
Blunt	Hilliard	Regula	Conyers	Lipinski	Sherman
Boehlert	Hinojosa	Rehberg	Costello	Lofgren	Skelton
Boehner	Hobson	Reyes	Coyne	Davis (CA)	Lowey
Bonilla	Holden	Reynolds	DeFazio	Davis (FL)	Slaughter
Bonior	Horn	Riley	DeGette	Davis, Tom	Snyder
Bono	Hostettler	Rodriguez	Delahunt	Dicks	Luther
Boozman	Houghton	Rogers (KY)	DeLauro	Dooley	Markey
Boucher	Hoyer	Rogers (MI)	DeMint	Doyle	Stark
Boyd	Hulshof	Rohrabacher	Deutsch	Edwards	Mascara
Brady (PA)	Hunter	Ros-Lehtinen	DeFazio	McCarthy (MO)	Strickland
Brady (TX)	Hyde	Ross	DeLauro	McCullom	Stupak
Brown (FL)	Isakson	Roukema	DeMint	McDermott	Sununu
Brown (SC)	Issa	Royce	Deutsch	McGovern	Tauscher
Bryant	Istook	Rush	Dicks	Dicks	Taylor (MS)
Burr	Jackson (IL)	Ryan (WI)	Dooley	Dooley	Thompson (CA)
Burton	Jackson-Lee	Ryun (KS)	Edwards	Edwards	Thompson (MS)
Buyer	(TX)	Sandlin	Ehrlich	McDonald	Thurman
Callahan	Jefferson	Sawyer	Eshoo	Miller, George	Tierney
Calvert	Jenkins	Saxton	Etheridge	Mink	Udall (CO)
Camp	John	Schiff	Evans	Moore	Udall (NM)
Cantor	Johnson (CT)	Schrock	Farr	Moran (VA)	Velazquez
Capito	Johnson (IL)	Sensenbrenner	Fattah	Morella	Waters
Cardin	Johnson, Sam	Serrano	Flake	Nadler	Watt (NC)
Carson (IN)	Keller	Sessions	Frank	Napolitano	Waxman
Castle	Kelly	Shaw	Gephart	Oberstar	Weiner
Chabot	Kennedy (MN)	Sherwood	Goode	Obey	Wilson (NM)
Chambliss	Kennedy (RI)	Shimkus	Harmann	Olver	Wolf
Clay	Kerns	Shows	Hefley	Owens	Woolsey
Clement	Kildee	Shuster	Hill	Pallone	Wu
Clyburn	Kind (WI)	Simmons	Baldacci	Pelosi	
Coble	King (NY)	Simpson	Cubin	Mollohan	Traficant
Collins	Kingston	Skeen	Gilman	Myrick	Young (AK)
Combest	Kirk	Smith (MI)	Hayes	Paul	
Cooksey	Kleckzka	Smith (NJ)		Peterson (PA)	
Cox	Knollenberg	Smith (TX)			
Cramer	Kolbe	Souder			
Crowley	Lampson	Spratt			
Culberson	Langevin	Stearns			
Cummings	Larsen (WA)	Stump			
Cunningham	Latham	Sullivan			
Davis (IL)	LaTourette	Sweeney			
Davis, Jo Ann	Levin	Tancredo			
Deal	Lewis (CA)	Tanner			
DeLay	Lewis (GA)	Tauzin			
Diaz-Balart	Linder	Taylor (NC)			
Dingell	LoBiondo	Terry			
Doggett	Lucas (KY)	Thomas			
Doolittle	Lucas (OK)	Thornberry			
Dreier	Maloney (CT)	Thune			
Duncan	Maloney (NY)	Tiaht			
Dunn	Manzullo	Tiberi			
Ehlers	Matheson	Toomey			
Emerson	Matsui	Towns			
Engel	McCarthy (NY)	Turner			
English	McCrery	Upton			
Everett	McHugh	Vislosky			
Ferguson	McInnis	Vitter			
Filner	McKeon	Walden			
Fletcher	McKinney	Walsh			
Foley	McNulty	Wamp			
Forbes	Meek (FL)	Watkins (OK)			
Ford	Meeks (NY)	Watson (CA)			
Fossella	Menendez	Watts (OK)			
Frelinghuysen	Mica	Weldon (FL)			
Frost	Miller, Dan	Weldon (PA)			
Gallegly	Miller, Gary	Whitfield			
Ganske	Miller, Jeff	Wicker			
Gekas	Moran (KS)	Wilson (SC)			
Gibbons	Murtha	Wynn			
Gilchrest	Neal	Young (FL)			
Gillmor	Nethercott				
Gonzalez	Ney				
Goodlatte	Northup				

NAYS—142

Hinchey	Phelps
Allen	Pickering
Andrews	Pitts
Baird	Pomeroy
Barrett	Price (NC)
Bartlett	Ramstad
Berkley	Rangel
Berman	Rivers
Blumenauer	Roemer
Borski	Rothman
Boswell	Royal-Allard
Brown (OH)	Sabot
Cannon	Sanchez
Capps	Sanders
Capuano	Schaffer
Carson (OK)	Schakowsky
Clayton	Scott
Condit	Shadegg
Leach	Solis
Conyers	Shays
Lee	Sherman
Lipinski	Skelton
Lofgren	Slaughter
Davis (CA)	Snyder
Davis (FL)	Luther
Davis, Tom	Leahy
Dicks	Stark
DeFazio	Stenholm
DeGette	Strickland
Delahunt	Stupak
Dicks	Sununu
Dicks	Tauscher
Dicks	Taylor (MS)
Dicks	Thompson (CA)
Dicks	Thompson (MS)
Dicks	Thurman
Eshoo	Tierney
Etheridge	Udall (CO)
Evans	Udall (NM)
Farr	Velazquez
Fattah	Waters
Flake	Watt (NC)
Frank	Waxman
Gephart	Weiner
Gephart	Wilson (NM)
Gephart	Wolf
Gephart	Woolsey
Gephart	Wu
Gillman	
Hayes	

NOT VOTING—10

Baldacci	Mollohan	Traficant
Cubin	Myrick	Young (AK)
Gilman	Paul	
Hayes	Peterson (PA)	

□ 1215

Ms. CARSON of Indiana changed her vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall vote 41, on approving the Journal, I would have voted “yea.” Rollcall vote 42, on providing consideration of H.R. 1542, I would have voted “yea.”

□ 1215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1542.

The Chair designates the gentleman from Texas (Mr. BONILLA) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we begin debate on the Tauzin-Dingell bill, I think it is important to recognize that once the House gets through with its business today perhaps Americans can start enjoying Coca-Cola and Pepsi commercials again instead of these massive commercials advertising for or against Tauzin-Dingell. It is also important to say what Tauzin-Dingell is as opposed to what it is not.

What it is is an effort that my good friend, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Energy and Commerce, the former chairman of the committee and I have worked on for years, a bill we filed in 1999 because we saw in advance of what has occurred the collapse of so much of the high tech industry if we did not free broadband from the grip of bureaucratic regulation and if we did not create an incentive for there to be real competition in the marketplace, so we filed the Internet Freedom and Broadband Deployment Act. That is the real title. Internet Freedom and Broadband Deployment, that is what it is all about.

Now, there are two worlds out there. There are two worlds out there in communications. There is the old world of communications, the old voice telephone world that is still heavily regulated by government at all levels, local, State and Federal levels. That is an old world that is regulated in price and terms and conditions in a way that separates the way we talk to one another on the basis of distance, long distance and local.

There is a new world, the future of communications that is characterized by the Internet which does not care how far we live from one another. It does not care how tightly we are packed into communities or how sparsely we live in rural communities

of America. It is the Internet world. It is the satellite world. It is the world of cable-delivered systems where distance is irrelevant, where we pay a single rate and then we can communicate, and we are not caught in this old world recollection of distance. On the Internet it does not matter whether I live in Tokyo or Seattle or Jack Bay, Louisiana. I can communicate with anybody in the world.

But even the Internet is part of the old world now. Today we talk about a new world of Internet communications called broadband.

As I said earlier, when I tried to explain this to my buddies at the hunting camp, I like to use this analogy: When you think about the old Internet it is like going to the refrigerator to get a cold beer and finding out the refrigerator is turned off, and you have to turn it on, and you have to put your beer in and wait for it to get cold, and then sometime later you finally get it and enjoy it. That is the old Internet, the old dial-up service.

The new broadband Internet we are talking about has systems that are so fast, so rich, always on, always ready, it is like going to that refrigerator, and it is always on, and when you open the door you have the bierskeller in there. There are so many varieties of rich, wonderful choices for you.

In the real world we talk about choices on entertainment, information, education, and all sorts of things like long distance tele-medicine, all made possible when we finally connect America to the big broadband Internet systems that have been built in this system in this country but do not have on or off ramps for Americans to get on and off.

After all these years, only 10 percent of Americans are connected to these systems. These are the lowest denominator systems. If I am in high speed and you are at low speed and we are connected, I am at your speed. Until we get more Americans connected with broadband, until we get real competition in those systems, America is handicapped and the high tech economy is in neutral.

This bill is about jobs. It is about creating 1.2 million jobs by turning loose the investments in broadband deployment, by making sure that every company that can deliver a line to a house can offer broadband services.

It is about consumers. It is about ensuring that consumers who live in the country, consumers who live in the inner cities of this country who might wait forever for broadband services get it on a lot quicker. It says there must be deployment within the 5-year period to every part of this country, every community. It says we will have competition in that deployment.

I was on the floor of this House in 1992, a long time ago, to make sure that cable television had a real competitor. And this House joined with me and the Senate joined with me, and eventually we had to override a veto to

make sure that satellite television had a chance to compete against cable television.

Today, we make the same fight for consumers. We make the same fight to make sure everybody has a chance to get broadband Internet services, and we want to make sure that they have competition and choice in that marketplace. That is what the Internet Freedom and Broadband Deployment Act is all about.

It is good for consumers. It is great for jobs. It is great for this economy. It sends the right message. It sends the Internet, high speed, rich, fast, fully deployed broadband Internet is going to be available to Americans without the heavy hand of government regulating it in terms, prices and conditions. It means that we will have choice and competition in that marketplace and that all Americans will enjoy the benefits instead of just a few of this amazing revolution in communication.

This is about the future. There are people who rise on the floor and will talk to you about the past and how we ought to employ all the rules and regulations of the past to this new communications structure. The gentleman from Michigan (Mr. DINGELL) and I will ask you to think about the future and how we can build a future where every American has access to these new systems and we can be rich in education and information and entertainment and commerce again. We can put America back to work and get this economy going and give Americans real choice in high speed broadband Internet services.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to yield 15 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY) for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a principal co-sponsor of this legislation.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BOUCHER).

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I am the supporter of the Tauzin-Dingell measure, and I rise this morning to describe why its passage is in the public interest. I will take this time to make three points.

First, passage of this measure will stimulate the deployment of broadband services by telephone companies. The 1996 Telecommunications Act contains an unbundling requirement that enables competitors to lease at highly favorable rates only a portion of a telephone company's network and then to

combine that leased element with the telephone company's own equipment in order to offer a complete service.

Now this provision is good policy if the goal is to promote competition in the offering of traditional voice telephone service, and I would note that many of the cities in the United States have as many as one-half of the lines serving businesses in the hands of the competitors to the local telephone companies. But the unbundling requirement is terrible policy if the goal is to encourage the telephone company to offer high speed Internet access service to a larger number of homes and businesses.

The rate at which the network must be leased to competitors is below the cost of building and maintaining the network in the first instance for the telephone company. The lines and the other equipment necessary to provide these high speed services are costly, and that cost cannot be recovered by the telephone company under the dramatically reduced rate that is available for the lease of these facilities.

Congress always intended this regulation to apply to local telephone service. It was not intended to be applied to high speed Internet access. But the Federal Communications Commission has applied it to these advanced telephone services nonetheless, and that is the problem that we are trying to resolve.

The result of this action by the FCC is that the deployment of DSL by telephone companies severely lags the deployment of cable modem service which is completely unregulated. Of the 20 percent of American Internet users who have high speed access two-thirds are using cable modem service, and the DSL service offered by telephone companies has less than one-third of the market.

The Tauzin-Dingell measure is needed to remove the unbundling requirement from advanced services to create a closer parity of regulation between DSL and cable and to encourage the broad deployment of DSL by telephone companies.

The second point I would make is that this is a jobs bill. The head of our Nation's leading technology companies have said that a revival of the technology sector of our economy hinges on one pivotal development, and that is the mass and rapid deployment of broadband services. The Tauzin-Dingell bill will lead to that deployment. It will result in hundreds of billions of dollars in business investment. It will create more than one million new jobs.

Third, all of our regulations now in place will remain for local telephone service. This bill does not affect traditional voice telephony.

□ 1230

Unbundled network elements, forward-looking cost pricing, and terms-of-service regulation will remain for local telephone service. That is totally unaffected by this bill.

The bill only affects the provision of high-speed Internet services. This market is competitive and telephone companies are the second entrants with only one-third of total customers. The dominant market participant, the cable industry, has no regulation and enjoys two-thirds of the share of this market.

This regulatory disparity is unfair. It poorly serves the public interest because it dampens the deployment of broadband services.

I urge support for the Tauzin-Dingell bill. That will create more even-handed regulation and lift the restraints of current law on broadband deployment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will support final passage of H.R. 1542, the Internet Freedom and Broadband Deployment Act. While I did not support this legislation in the Committee on the Judiciary, I am persuaded that sufficient changes will be made to the bill today that merits supporting the bill and moving the process forward.

I believe two changes negotiated between the gentleman from Louisiana (Mr. TAUZIN) and myself significantly improve the bill. There is general agreement that rapid deployment of broadband could dramatically improve communications, electronic commerce, and more easily deliver digital goods to consumers. However, there is disagreement over how broadband should be deployed. The Committee on the Judiciary had several days of hearings on these complex and difficult issues.

As the chairman of the Committee on the Judiciary, which has jurisdiction over unlawful restraints of trade, I am cognizant of antitrust problems which gave rise to our modern telecommunications policy. After the 1984 breakup of AT&T, competition in the long distance market flourished. As a result, rates decreased and service improved.

However, when local telephone competition failed to materialize, Congress in 1996 attempted to open up the local markets by offering the regional Bell operating companies, RBOCs for short, a basic trade. They were to open their local exchanges to competitors for interconnection; and in return, they were to be allowed entry into the long distance market.

Since 1996, there has been major consolidation in the industry as the RBOCs have merged with one another. Furthermore, the RBOCs have not had a stellar record regarding compliance with the 1996 act. Hence, the gentleman from Michigan (Mr. UPTON) and the gentleman from Texas (Mr. GREEN) will offer an amendment increasing penalties for violation of the Communications Act of 1934, which I urge the committee to adopt. Consolidation and a history of anticompetitive market restraints should give one pause.

Many would argue with considerable justification that there has been not enough progress in the local markets

and that the RBOCs should not be rewarded by giving them the unregulated green light to the lucrative data market. On the other hand, we should continuously review public policy to determine whether regulatory regimes are meeting the public interests.

We must also remain vigilant to make sure that the RBOCs do not use their market dominance to undermine competition because competition is the only way to ensure the most efficient delivery of the highest-quality and lowest-price goods and services.

Notwithstanding the changes that will be made today, including two within the jurisdiction of the Committee on the Judiciary, incorporated into the bill by the rule, I remain concerned about competition in the broadband and telecommunications market as a whole and will continue to review these issues to search for ways to ensure that the benefits of competition, lower prices, more choices and better service, are available to the consumer.

No bill is perfect; and after much deliberation, debate, and consideration, I believe on the whole that final passage of this legislation should be supported. Many Members have labored on this legislation, and I want to specifically thank the members of the Committee on the Judiciary on both sides of the aisle for their hard work. The committee performed quickly and thoughtfully under unreasonably tight time constraints last June, and all Members should be proud of their accomplishments.

I would also like to thank the gentleman from Louisiana (Mr. TAUZIN) and his staff for working an agreement in the language contained in section 9 of the bill which preserves the powers of the Justice Department to review antitrust considerations.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I ask that the balance of my time be yielded to the gentleman from Utah (Mr. CANNON) and that he be allowed to yield such portions of that time to other Members as he desires.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the excellent work I think we put together with our staffs to ensure, in fact, that the antitrust laws will fully apply to all operations of the Bell companies as they currently conduct their business and telephone service and in their new businesses in broadband. He and I are equally committed to watch carefully the performance of these companies and others to make sure that consumers have the benefits of competition and not the penalties of monopoly unregulated service.

We are going to work together, and I thank him again for working with our subcommittee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise in strong support of H.R. 1542, and as chairman of the Subcommittee on Telecommunications and the Internet, I would say that today, in fact, is the defining moment in our Nation's telecommunications policy.

Yes, the issues are complex, but there certainly is much at stake. The choice in this debate could not be simpler or clearer. Today's regulation of broadband is based on yesterday's technology. So we can either seize the moment and move forward, or we can stay stuck in the outmoded regulatory rut and watch other countries take our jobs and industry away.

Recently, I had the opportunity to chat with the head of the Southwestern Michigan Realtors Association, and it was no surprise to learn that the number one question on the minds of prospective home buyers in Michigan these days is not about property taxes and local schools but, rather, whether there is broadband access available in the neighborhoods. These folks are willing to commute, in fact, more than 30 minutes, even across State lines, just to live in communities which have broadband.

Small businesses in the area are reporting similar competitive disadvantages as well. I compare broadband access to the interstate highway system which was built through southwest Michigan back in the late 1950s and 1960s; and as I crisscross my district, I can see the population and the economic growth which has occurred in these towns that have access to interstate highways.

Those communities which do not have access have remained in a virtual time capsule, great little towns, but they virtually stood still throughout the past number of decades. That is what I fear will happen if we do not move soon, as soon as possible in fact, to get these communities connected to the high-speed Internet access highway.

That is why we need to provide deregulatory parity for broadband, regardless of the platform by which it is delivered, whether it be telephone lines, cable, wireless, satellite; and by doing that we can undo the enormous regulatory shackles which stand in the way of telephone companies providing DSL.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership and everyone that I have worked with on this issue for now, I think, at least 3 years.

I stand in opposition to the bill and have from the very beginning, and I would like to very quickly go through my top 10 reasons.

I think it is bad for the economy. Why? Because it is going to throw people out of work. The proponents say it is going to create jobs. In fact, it is going to shut down the CLECs in this country who are the children that were born out of the telecom act. So it is not going to do what the promise of the bill says. It is going to lose jobs, no net gains.

I think it is bad for consumers, and consumer organizations across the board oppose the bill. Why? Because it further enlarges the monopoly that the Bells are right now. If someone has a monopoly in their DNA, this is the bill for them.

It is bad for small business because I think the prices without the CLECs, without the CLECs who are competing right now, small business is going to end up paying more. That really is a tax on high-speed access for small businesses.

It is bad for broadband because it stifles innovation. When we think of innovation, and the district that I come from is all about that, we do not think of the local Bells as being the fathers or mothers of innovation.

It is bad for rural areas and the bill promises to get DSL to the rural areas. It does not, and it will not. The homes that are located 3 miles from a Bell central office would still be dependent upon other broadband providers.

It is bad for the States, and 31 State PUCs oppose it. Why? Because the bill takes away the ability from our constituents to protect consumers and oversee quality of service. In California alone the Bells have been fined \$350 million for bad service. Under this bill they would not be able to do it.

Lastly, the e-rate. If my colleagues voted for the e-rate, it is in trouble. Our schools, our law libraries, it is bad law. The Bells do not need any legislation to offer high-speed Internet services.

I compliment the proponents of the bill for their advertising of it because they say it is jobs, it is the economy, it is competition, it is going to take high-speed Internet access to all communities right away. That is great advertising, but my colleagues have to read the print in the bill, and the Bells do not need this in order to bring the competition and the high-speed Internet access that it says only the Bell can do.

This enlarges a monopoly that will lumber on, and my colleagues and I are going to have to answer to our constituents on the accountability issue. No PUC, no FCC. I do not think that kind of deregulation in terms of accountability is where we should go.

I think to be about the future we have to get rid of the past. This reeks of the past and does not speak well to the future.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. DINGELL), the dean of the House, for yielding me the time.

Mr. Chairman, I rise in strong support of the Tauzin-Dingell bill. Mr. Chairman, to paraphrase Charles Dickens, this is a tale of two cities, the cable and telephone industry. Ten years ago, these two industries had little to do with each other; but today, they are, thanks to technology, they are providing the exact same product, high-speed Internet access.

One would think thus that when the government imposed regulations it would do so in the same manner, but that is the crux of this tale of two industries. One, the cable industry, provides these services unfettered by regulation, the way it should be, and I support this. The other, the telephone industry, is heavily regulated.

We have a responsibility to ensure fairness in our regulations. Luckily, there will be great benefits realized as a result of this legislation. It is estimated that \$100 billion will be spent upgrading the telephone networks. There is an enormous amount of labor involved in this task; and as a result, the AFL-CIO and the Communication Workers of America have endorsed this legislation.

Small businesses will also benefit. The cost of a T-1 line can be as much as \$1,500 per month. For a small business that is simply not an option, but a DSL line is about \$50 per month. Certainly that is affordable for most small businesses, and that will allow them to finally join the e-commerce revolution.

There will also be enormous benefits to bridging the digital divide. Our modern society is dependent upon information. The Internet is the greatest source of information ever created.

Again, I urge a "yes" vote on this bill. It will bridge the digital divide and allow this kind of service to be for all Americans.

Mr. TAUZIN. Mr. Chairman, I am pleased and honored to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. SHIMKUS. Mr. Chairman, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for bringing up this legislation, this very important piece of legislation.

This is a good bill. We should not hold hostage data deployment to the voice fight, and that is what this is all about, long distance versus local; and that fight which should not be involved in this. This is an issue about data, and this is an issue about deploying data in rural America; and if we want to create jobs in deployment of data, not just in the data deployments but the small businesses in rural America that want to be able to market their goods in this world economy through broadband, this is how we do it.

Without this bill, we will not have broadband deployment in rural America, and we will not have the job-creation activity, and we will see the people continue to offer broadband in urban America and not in the places that we need job growth.

□ 1245

The other issue is that we have seen what has happened in the voices with the FEC and the lawsuits, the CARA lawsuits, the rulemaking, and that just stops the deployment of any type of service. And here people want to return to that. They want to bring more regulation into this new, exciting world of high-speed Internet services.

So I am just excited that we have now got this bill on the floor. I think it is going to help create new jobs in rural America. I want to thank the chairman and the ranking member for their foresight, and let us get this done.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

We have really changed our country, and the rest of the world has been following us over the last 20 years. We had one phone company. One. And they had 1.2 million employees. But we decided that it was stultifying innovation. Technology, prices, service, everything was tied to that one company. So our country broke up AT&T. Out of it came Sprint, MCI, Lucent, and dozens, scores of companies, because it created a competitive environment.

That is what the 1996 Telecommunications Act sought to do for the local market as well, to break it up; to say to the local bells, those four companies in the United States, each of us has one who is a monopoly in our hometown. “If you give up your local monopoly, we will let you into long distance with MCI, with Sprint, with AT&T. That was the deal.

This amendment today breaks that deal and sends the American public back to the past, where the choices would be limited rather than unlimited.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time and also for his leadership along with that of our committee chairman. I rise in strong support of this measure.

We often talk about American ingenuity, American innovation. Well, it is here. The only problem is it is handicapped, handicapped and handcuffed by outdated regulation that prevents the deployment of broadband, and deployment of broadband is clearly the wave of the future.

Small businesses in particular will need deployment of high-speed Internet service. They will need it for large bids. They will need it for large-volume orders. They will need it to put pictures

up that people can get in a quick and rapid manner so that they can sell their products. That is why we need to deploy broadband now.

We also need more competition with the cable companies. Everyone talks about cable rates and talks about competition. Well, we can have competition if we pass this bill. Broadband will provide that competition.

Third, we talk about the digital divide, the fact that we have two communities, some that have it and others that do not. This committee did a good job on a bipartisan basis by guaranteeing a 5-year build-out to ensure that urban as well as rural communities, poor communities as well as wealthier communities would have access to broadband Internet under this bill. I think that is a tremendous idea, and I think it argues well for this bill.

We cannot afford to have businesses leave poor communities because they do not have broadband. We cannot afford to have students in poorer communities disadvantaged because they do not have broadband when their wealthier colleagues do.

This is a good and balanced bill, and I hope my colleagues will adopt it. I urge strong adoption of the broadband access bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who is a member of our Subcommittee on Telecommunications, Trade, and Consumer Protection.

Mr. WHITFIELD. Mr. Chairman, I want to commend the chairman and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their leadership on this important issue.

I rise in strong support of H.R. 1542. This is a bill whose time has come. It provides for less Federal and State regulation of broadband services and Internet access service. It also removes the disparity that now exists between cable, modem service and DSL.

The bill also addresses the restrictions caused by the LATA lines drawn by Judge Greene in 1984. And I might add that was a long time before commercial Internet or retail broadband service was available.

Finally, this bill will help rural America, an area that I represent, because it will expedite broadband deployment in rural America. I think that will be a tremendous boost to help in economic development in rural America, which is vitally needed at this time.

Mr. Chairman, I urge passage of this legislation.

Mr. TAUZIN. Would the chairman announce how much time is available to all of us in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 1½ minutes remaining, the gentleman from Massachusetts (Mr. MARKEY) has 11 minutes remaining, the gentleman from Michigan (Mr. DINGELL) has 9 minutes re-

maining, and the gentleman from Utah (Mr. CANNON) has 6 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this is the most important telecommunications bill to come to the floor of this House not just in this Congress but in many, many years. If it passes and becomes law, it will determine the way the telecommunications industry develops in America for untold years to come. Yet we are provided with essentially 2 hours, or less than 2 hours to debate the bill in its essence on the floor here today. The opposition is given, what, 15 minutes to provide alternative points of view. This is scandalous.

The people are not being served here. There ought to be opportunities to debate this bill in its full content and in detail. Why is that? Because the bill, as it is currently written, makes some terrible mistakes.

The premise of the bill is that if monopoly situations are provided to monopolistic companies and get rid of all regulation at the Federal and State level that somehow we will have a fair and open process and a level playing field and that somehow consumers will get the benefit. History shows us different.

This bill will cause prices to rise, and it will ensure that vast areas of the country continue to not get service. Particularly rural areas like upstate New York will not get the service that they need.

The bill alleges to create jobs. Well, the CLECs in New York, for example, now employ about 100,000 people. Those jobs are in danger of being lost and almost certainly would be lost if this bill were to become law.

This bill is not in the interest of the general public, not in the interest of consumers. We could do a good bill; and if we were doing a good bill, we would do many things. For example, we would ensure that every school in every State across this country is hooked up to broadband services, and those services would be required to be provided by the companies that are given this money-making opportunity contained in this bill.

It is a big mistake. We could do an awful lot better.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mr. ISSA), a member of the Committee on the Judiciary.

Mr. ISSA. Mr. Chairman, I rise in the strongest possible support of this bill.

Coming out of the telecommunications industry, coming out of the high-tech industry and being a user of these products, I recognize full well how stalled broadband deployment is. There is no question on either side of this issue but that broadband deployment has fallen behind our competitors. We have fallen behind Korea. We have fallen behind nations that we

never thought we would be second to in the role of high-speed Internet.

This bill seeks to and does in fact, as it is to be amended, allow for the best of both worlds. It allows for universal access both to the incumbent utilities and those who would like to become exchanges.

But it also says, wisely, that there has to be an opportunity for a return for those who will invest hundreds of billions of dollars. This bill does it and does it extremely well.

I believe if those on both sides of this issue recognize and think about the fact that this is not going to be an industry which is stalled and is suddenly going to restart itself, but that to restart it is going to take action from this body, then this bill, passed in the House and hopefully passed in the Senate, is going to lead to a restarting of broadband, which more than anything else I can name will restart the growth of America's economy, something that is sorely needed.

Mr. DINGELL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Michigan has 9 minutes remaining.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership and the leadership of the gentleman from Michigan (Mr. DINGELL) as well.

As a member of the House Committee on Armed Services, I frequently discuss the importance of redundancy in our information infrastructure. Redundancy is essential to a strong national defense. Because if our information only has one path to travel, times of emergency can make it difficult for information to travel at all.

Redundancy in our system is essential to ensuring confidence in our information infrastructure during times of emergency and to plan for information technology growth in the future. Tauzin-Dingell will use both the carrot and the stick in encouraging telephone companies to expand our high-speed data transmission infrastructure, thus making our country less vulnerable to a communications shutdown in times of emergency.

When there are two high-speed networks capable of handling the broadband needs of the country, both cable and telephone, one could be pressed into service if the other is disabled. The bill we vote on today requires the phone companies to equip all their local offices with high-speed data transmission within 5 years. Without this legislation, neither the incentive nor the requirement will be there for the Bell companies to expand their networks.

Nineteen percent of our country has no high-speed data service at all, and 48 percent have only one network in

place. That leaves two-thirds of the country without a redundant high-speed data network. Mr. Chairman, this leaves our country vulnerable and exposed to an information shutdown during a national crisis.

Tauzin-Dingell will not cost taxpayers one penny but will create over a million new jobs, give millions of Americans access to high-speed Internet and, most importantly, will strengthen America's information infrastructure.

Mr. Chairman, I urge all of my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and for his leadership in trying to focus on the positive legacy of the Telecommunications Act of 1996.

The Act required that the Bell companies enter the long-distance Internet market by opening their local markets to competition, and this has simply not occurred. That is why today's legislation that would deregulate broadband services is opposed by consumer protection groups and 31 State public utility commissions, including the PUC in my State of Oregon.

They are concerned in part that this deregulation could severely hurt consumer service. It would limit consumer revenues over complaints with telecommunication services, especially in those instances where consumers are unable to be provided relief for poor service or high rates.

Talk to the people back home. I have got an earful.

Additionally, as somebody who has been deeply, deeply impressed with the impact of the e-rate, I am concerned that it puts at risk those important investments for our schools and our libraries.

□ 1300

But most ironic for me is the allegation somehow that we are going to be extending these services to the rural areas, bringing broadband to them. Well, point in fact that this legislation would in fact require all of the central offices to be upgraded within 5 years; it does not require that the DSL upgrades be extended from those offices. Homes that are located further away would still continue to be dependent on satellite, cable or wireless broadband. Making matters worse, most of the Baby Bells do not even serve the rural areas that ostensibly are going to be served under the enactment of this bill. I strongly urge rejection of the proposal.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to myself to correct the record.

Mr. Chairman, the bill does require that all persons and all communities be served within 5 years, even outside of the 3-mile limit from the central office, and requires other technologies to be

used, if necessary, to do that. There is a 5-year build-out to everyone in this country.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, this bill will provide a major boost to the U.S. economy, particularly to the telecommunications and high-tech sectors. This is a bill that promises to create more than a million new jobs, and hundreds of billions of dollars in economic activity if it does become law, and our Nation needs this legislation.

As a Member from rural America, I have a particular interest in this bill because Tauzin-Dingell will ensure that the high-speed access reaches underserved areas by requiring local phone companies to provide access throughout the country. This will guarantee that small towns and rural areas, all but ignored today, have access to true information-age opportunities.

And as a business owner, I know that competition empowers consumers by forcing companies to provide better products and better services at cheaper rates. By removing the unfair regulatory barriers that discourage phone companies from investing in broadband, this bill will ensure real competition in the marketplace.

At present, we have no competition in the high-speed data market. What is worse, we have no coherent national policy to encourage the deployment of high-speed Internet services. Instead, we have a regulatory regime that applies a massive set of bureaucratic rules designed for old telephone voice service to the brave new world of the Internet. These rules discourage investment by the very companies most able to lead the way in bringing high-speed Internet service to every American in this country.

H.R. 1542 replaces these anticompetitive rules with a sound regulatory framework that encourages investment and enables competition in the marketplace. And it is for those reasons that I urge a "yes" vote on H.R. 1542.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the importance of this debate can only be understood by looking at history. If the monopolies had their way, we would still have one phone company. We would have one company providing cellular phone service. We would have one company providing Internet service. That was their vision in 1980, 1982, 1984. But our country decided that our great opportunity was to unleash the technological and entrepreneurial skills of our country. We believed that hundreds of companies could compete in this telecommunications sector, that it did not have to just be a story about one company.

We can look at analogies. We had one long distance phone company. In all of our families when we were younger, it was a big day when someone was on the

phone calling grandma because somebody would be yelling in the background, "Remember, that call is long distance. Hurry up and finish," because those calls were so expensive.

The Bells said it was impossible to have low-cost long distance, but once MCI and Sprint and dozens of other companies got in, we reached a point where it became so inexpensive to make long-distance calls that now everyone thinks it is normal just to call to another State.

In cell phones, we had a situation where there were only two companies in the cell phone business, and they were both analog. Only at the point at which the third, fourth, fifth and sixth company got in and went digital did the telephone companies, who had the original license, decide they were going to go digital, too. This is not ancient history, this is 1984, 1985. We are not deep into this revolution. The Bells invented these technologies, but they had not deployed them because they did not have any competition.

The essence of what we tried to do in 1996 and in each of those earlier big moments was to induce massive paranoia in the incumbent company so they had to move faster than they would have otherwise. In this digital, Darwinian world, that is the key to American success. It is not a story tied to one company whose picture is always on the cover, one company whose picture is always on the cover of Fortune or Forbes. It is the story of a country that is on the cover, number one looking over its shoulder at numbers two, three, and four in the world because we have so many companies we do not know all of their names.

That is where we are in cell phones today in terms of the multiple choices which Americans have. That is where we are in long distance. The revolution that we are talking about here today is a revolution of Internet service providers. There are hundreds of them out there. It is a revolution of smaller competitive local exchange companies. There are dozens of them out there. That is the revolution. The Bells invented DSL. Had they deployed it before the 1996 Act? No, they had not. It was still sitting in their laboratories.

Once the other companies were out and moving, did they start to deploy? Members better believe that they started to deploy. Scores of companies were created. And all of the other companies ultimately were the key to the Bells finally beginning to move. This is a story that we are seeing over and over and over again. A vision of one company, or a vision of so many companies we cannot know their names. Something that was called the NASDAQ. That is what happened after 1996.

So I ask each Member to please understand how central this is to a vision of where the children in the country today are going to be working 5 and 10 years from now. It is getting the skill sets to work in these competitive com-

panies, and not just to get a job with Ma Bell. That is not a vision for the future; it is a vision looking in a rearview mirror.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Chairman, I rise in support of this bill. I represent a fairly urban district in Nebraska; but once I step out of that district, it is very rural. And I stand here sticking up for our rural America which has, I feel, been grossly neglected in providing these types of services.

The FCC recognized the potential impact of broadband on rural America when it noted "a lack of broadband infrastructure could limit the potential of these rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce." We have seen this in Nebraska where they look for new employees, and they will go into a rural community, but they need to transfer the data. What we need to do, and what this bill does, is it breaks down a barrier for DSL which is going to be the leading market for broadband in rural communities. It eliminates the disincentive of the companies to offer this type of service. For the sake of our rural communities, I urge passage of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of this legislation. It is true that the future of telecommunications is full of uncertainty as we attempt to anticipate the interplay of new technologies and market conditions and consumer preferences with the old. Our job is to work to make sure that the industry competes fairly in all sectors and across the geographic vastness of this American society.

This bill accomplishes that goal. Central to my support of this legislation is the build-out requirement that will take a major step toward bridging the digital divide. Currently, only about half of U.S. residents have access to broadband and just 8 percent actually subscribe to this service, most of them living in wealthier urban areas. The build-out provision, which the gentleman from Illinois (Mr. RUSH) and I coauthored in committee, will ensure that underserved areas, such as inner cities or small towns in rural America, can access high-speed Internet services.

The provision requires local phone companies to upgrade their facilities, speeding the availability of broadband to 100 percent of their central offices, and clearly our intent is by whatever technology available at the time, to all of their customers, reaching schools and businesses and residents throughout their service areas.

In my home State of Ohio, this would guarantee high-speed access to 2.4 mil-

lion homes and businesses that cannot purchase this service, even if they wish to do so. I urge passage of this legislation so that we can make real progress without regard to the technology available at the time toward bridging the digital divide and bring high-speed Internet access to schools, businesses and residents through the country.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for his leadership on this critical issue, as well as the gentleman from Michigan (Mr. DINGELL). As the third sponsor of this important bill after the gentleman from Michigan, I believe this legislation is long overdue.

Back in 1999 I introduced, along with the gentleman from Virginia (Mr. BOUCHER), legislation similar to H.R. 1542 that would have provided long-overdue regulatory parity for the Internet by lifting some of the discriminatory burdens on the incumbent telephone companies as they seek to provide broadband Internet services.

We introduced this legislation because we believed then, and still believe now, that the government should not be in the position of picking winners or losers. There is no clearer example of the need to reexamine the unintended effects of laws enacted by Congress than to look at the interLATA restrictions and unbundling requirements placed on the phone companies in the 1996 Telecommunications Act. These requirements, intended to encourage competition in voice telephony, have been wrongly applied to the delivery of broadband Internet services by the incumbent telephone providers.

This is especially true in rural areas like many parts of my district. The arrival of broadband Internet to rural areas is like the arrival of the railroad in the 19th century. If it ran through a town, that town was connected with the new economy; that town thrived. If it missed a town, that town was a ghost town. Support this legislation; do not turn rural America into a ghost town.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1542. The digital transition has stalled with the collapse of the Internet bubble. Cable companies now control 70 percent of the consumer broadband connections in our country. Meanwhile, DSL and the digital subscriber line service offered by local telephone companies lags far behind, and is hindered by the outdated analog phone regulations.

seen it in our publications here on the Hill, an ad that is only partially true. This ad shows four cute little pigs, each one representing supposedly a Bell operating company. Below all the little pigs is a number representing the percentage increase that they say of DSL subscribers for the different Bell operating companies last year.

Reading this ad, one would wrongly assume that DSL service offered by local phone companies is the number one way consumers get broadband access. However, this ad is only partially true. They have had some success in signing up folks, but they still only have a third of the market. So cable still has 70 percent of it.

My colleagues on the floor today and those watching C-SPAN, what is this ad for? Who is coming by our offices in opposition to the bill? We are pointing out the big regional Bell companies are so bad, but it is AT&T, MCI and Sprint who are opposing this bill, so we have the battle of the elephants.

No matter what everyone has told us about broadband, cable is the dominant delivery platform in this country. That is why we need to make sure this bill passes so we can have real competition in DSL.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Chairman, I support this bill as I expect it to be amended.

Mr. Speaker, this bill as I expect it to be amended will create new job opportunities and is a step towards ensuring that all Americans have access to broadband.

The New Millennium Research Council study found that building a nationwide broadband network would create 1.2 million jobs. In addition, it would ensure competition between cable and telephone companies, which will not only spur job growth, but also encourage the innovation of new Internet services and products.

We must focus on encouraging economic growth, both to help working Americans and to help the high tech sector.

U.S. businesses waste \$11 billion annually because employees access the Web through slow dialup modems. Increasing broadband access will significantly increase efficiency and productivity in the workplace. This is especially important to the high tech sector, which drives our economy. Increasing its capabilities will benefit the entire country.

Only 9% of U.S. households currently have broadband Internet access. This bill will ensure that more Americans are able to use this technology.

Broadband holds the key to the newest technologies. Once broadband is widely available, we will have access to innovative multimedia, video and interactive services that today's Internet simply can't support.

As Microsoft Chairman Bill Gates put it, the lack of broadband deployment is "the one thing holding us back."

This bill also ensures that rural communities will not be left behind. We must close the dig-

ital divide with broadband, and not relegate rural communities to the wrong side of an ever-widening information gap. Everyone should have the opportunity to access the most advanced technology.

The United States has been a consistent leader in developing technology. If we want to maintain this leadership role, we must encourage the deployment of technology that benefits all of us. Technology is the key to our future.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to a distinguished member of the Committee on Commerce, the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. I thank the gentleman for yielding me this time, and I also thank him for his diligent leadership on this very complex issue.

Mr. Chairman, I rise in strong support of the bill. There are many parallels between what happened in the cellular industry and what is happening in the high-speed data marketplace. The slow rollout of cellular service in the 1980s was related to continuing regulation of the service. That regulatory phase cost consumers and the economy billions of dollars. Significant deregulation since then, however, has increased subscribership and lowered consumer costs.

Wireless growth was actually very slow at first. By the end of 1988, there were approximately 2 million cellular subscribers in the entire United States. The FCC made an effort to significantly deregulate cellular service in 1988. This first of two significant regulatory events in the cellular industry helped make wireless telecommunications the ubiquitous service it is today.

In December, 1988, the average monthly cellular bill was \$98.02 for the 2 million plus subscribers. Within 4 years of the FCC's deregulatory effort, cellular subscribership reached 11 million, while the subscriber's average monthly bill dropped by nearly 30 percent.

Congress undertook the second major deregulatory effort in 1993 and to a great extent deregulated the cellular telephone industry. From 1993 to 1998, wireless telephone subscribership rose from 16 million to 69 million, while the average monthly bill has dropped by nearly 50 percent.

Adoption of H.R. 1542 will permit telephone companies to provide DSL technologies at a more rapid pace, with the same results deregulation of the cellular industry produced, more consumers accessing the technology for lower costs.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, high-speed Internet access is as important to our constituents and our Nation's economy in the 21st century as access to electricity or telephone service was to our forebearers in the 20th century.

My district is geographically diverse, one-third urban, one-third suburban, one-third rural. Some have high-speed Internet access but most do not. I want all of my constituents to have broadband access no matter where they live.

The question before this House is, what can we do to facilitate high-speed Internet access?

Over the past couple of years, I have considered that question very carefully. Last year, I participated in a technology roundtable discussion in Dodgeville, in Iowa County, Wisconsin. It was sponsored by the local Chamber of Commerce and included local business leaders, educators, students, public health professionals and local government officials.

Lands' End Corporation, headquartered in Dodgeville, the county's largest employer, told of their need for high-speed Internet services for their website. In the mail order clothing business, the Internet has become a critical tool. But they had to base their website in the city of Madison rather than in their headquarters in Dodgeville.

I also have a constituent who lives in a farmhouse six miles north of Dodgeville who makes specialty cheeses that he wishes to market over the Internet. He needs high-speed data capacity to expand his business. The service will help the library, the public health nurse and the local lumber company. I am convinced that Tauzin-Dingell is the best way to achieve broadband deployment to all of my constituents.

Mr. CANNON. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the chairman for what I think is well-intended work on what he seeks to do and his graciousness for allowing those in the dissent to stand here today. He does a great job for our Congress here.

I have been down this road before. I have been told the same things just a few years ago as a State legislator, that this was going to have competition, this was going to bring technology changes, this was going to bring jobs to the great State of Michigan. I voted that day what I thought was the right direction, because they came in, companies like SBC Ameritech, sat there and said, "Trust us. We're going to do the right thing." What I found was exactly the opposite of that, Mr. Chairman, a vote I wish I could take back today and a vote I will rectify today by proudly voting "no."

This was an 800-pound gorilla that we made a 1,600-pound gorilla. What we got when we empowered this group that was a monopoly and we turned it into a deregulated monopoly is that this was the same company, SBC Ameritech, that sued its own ratepayers in the State of Michigan to keep a line tax on its consumers. This is the same company that, for weeks on end,

there was a website there called fix-my-phone-now-dot-com where thousands and thousands of people typed in examples of how Ameritech and this company who was supposed to allow deregulation and competition to provide better service were abusing customers in our State.

We had one elderly woman right before I left who had a husband that was ill, 7 weeks, no phone service, 7 weeks, could not get an answer from SBC Ameritech. At one point, unfortunately, the wrong thing happened. Her elderly husband took ill. She had to walk almost a mile, at her age, in the middle of the night to try to find somebody with a phone that worked to get care for her husband.

This is a life-and death issue. This is empowering the same companies like SBC Ameritech that have been abusing customers in Michigan for years to become bigger and uglier and less concerned. They control now something like 85 percent of the market. That is not competition. That is abuse. There is one guy on the block that controls all the service trucks and when he does not feel like getting there, guess what, he does not come. We saw the fact that he took money, millions and millions of dollars paid by phone users in our great State, to go compete in other States around the country. Good for Ameritech, bad for Michigan consumers.

That is why, Mr. Chairman, every consumer group out there says this is a bad bill. We talk about CLECs and line sharing and technology and broadband and all this great stuff, and it sounds really wonderful, and the economy is going to come to a screeching halt if the Federal Government does not step in and save the day. I could not disagree more. The free market will get it there, but if we stand up for these monsters, if we stand up and empower them and say the same thing you have done before, you will do again, we will regret it here in Congress as we did in our State legislature.

I urge the rejection of the Tauzin-Dingell bill.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. I thank my friend for yielding me this time and stand here as the rookie member of the Committee on Energy and Commerce with some trepidation because I am opposing a bill supported by my chairman and ranking member. Nonetheless, I believe the bill before us effectively unravels the careful balance Congress struck with the enactment of the 1996 Telecommunications Act and in doing so fails to promote consumer access to high-speed Internet services.

The 1996 Telecom Act was the product of extensive debate on the House floor and the adoption of carefully crafted amendments. I was there, and

Congress distinguished itself. Today, we are being asked to overturn several critical components of that carefully crafted agreement; and, if we do, I fear that we will only retard achieving the goal of promoting broadband access.

What is preventing broadband access is not the lack of broadband services. Satellite broadband is universally available. About half of all households that have a telephone could have broadband and about 70 percent of all cable subscribers could sign up for broadband if they wanted it. Consumers do not subscribe because they do not see the high-value content that they are willing to pay for. Content is not available in large part because the producers and owners of that content and the manufacturers of the products used to watch and transmit that content have not come to agreement about how best to protect its intellectual property value. Building that demand for broadband should be our focus, not reducing competition.

The bill before us eliminates competition by removing the requirement enacted in the 1996 Act that Bell operating companies open their facilities to CLECs and other providers. This is not the way to build access to broadband. It is reinstating monopoly conditions, not promoting competition.

I urge support for Cannon-Conyers and, absent its passage, defeat for H.R. 1542.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, on the facade behind me, there is a quote from Daniel Webster that begins, "Let us develop the resources of our land." That is what we are about today. I was a cosponsor of the Telecommunications Act of 1996. I was on the conference committee where we worked out the final details with the Senate.

In 1996, the Internet was in its infancy and we did not explicitly say in that Act how to legislate on broadband. So today we are on the floor to perfect the Telco Act of 1996.

The issue is complex, but you can boil it down to several somewhat simplistic elements.

Number one, everybody who wants to provide broadband through the Bell operating companies today has the right to do that. The question is what the reimbursement is to the regional Bell operating companies. The way the FCC has interpreted the current Act, they have to do it at a below-market rate. So, obviously, the regional Bell operating companies do not want to do it very much. This bill, if it passes, lets the Bells build out the broadband network but lets them charge a market

rate to provide access. I think that is a good thing. I think that provides more competition.

The second issue is the Internet providers, the long distance providers, the AT&Ts and MCIs and Sprints, would rather that the regional Bell operating companies do not get additional flexibility, so they oppose the bill.

Again, if we pass the bill, we are going to have more competition sooner; and if the bill passes as we expect it to be amended, competitors will have access to their copper loop, competitors will have line sharing access, competitors will have voice access, and the cable companies will not be regulated any more than they are today.

I urge passage for the bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise in support of H.R. 1542. H.R. 1542 presents an opportunity to take a major step toward bringing affordable high-speed Internet service to all Americans, toward reviving the high-tech industry, and toward constructing multiple broadband networks to assure communications in times of national crisis.

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I support Tauzin-Dingell because it represents the kind of economic stimulus package that America's workers truly need. A recent report issued by Robert Crandall and Charles Jackson indicates that accelerated deployment of broadband Internet service would infuse \$500 billion a year into the American economy. The New Millennium Research Council finds that building a nationwide broadband network will contribute to the creation of 1.2 million new and permanent jobs in America.

Mr. Chairman, it is time for Congress to seize this opportunity to revive our Nation's economy through business investment without cost to the government.

Mr. TAUZIN. Mr. Chairman, would the Chair inform all of us how much time remains on all sides.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has 5½ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining; the gentleman from Michigan (Mr. DINGELL) has 4½ minutes remaining; and the gentleman from Utah (Mr. CANNON) has 3 minutes remaining.

Mr. CANNON. Mr. Chairman my understanding is that the gentleman from Michigan (Mr. CONYERS) also has another 10 minutes?

The CHAIRMAN. That is correct.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. HILLIARD).

(Mr. HILLIARD asked and was given permission to revise and extend his remarks.)

Mr. HILLIARD. Mr. Chairman, I wish to educate those on the other side and rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This legislation is extremely important to smaller communities that have, as yet, not shared in the high-speed Internet access being deployed in larger metropolitan areas.

H.R. 1542 will accelerate deployment of high-speed Internet connections. The current regulatory bottleneck created by over-regulation is stifling the growth and vast potential of the Internet. The bill provides for local telecommunications companies to accelerate deployment of broadband networks and services to consumers. In the spirit of the Internet, once networks are deployed, innovative companies will develop and offer new services on a more universal basis.

H.R. 1542 will significantly improve the economies of deploying high-speed services in rural communities. Today, many of the very companies that serve rural America are denied the incentives necessary to bring advanced services to these areas. A recent NTIA study showed that the digital divide is most severe for African-Americans living in rural areas. Only 24.4 percent of African-Americans living in rural areas have dial-up Internet access. This legislation will allow companies to develop viable business plans that will help bridge the digital divide with broadband Internet access.

Mr. Chairman, I urge my colleagues to support H.R. 1542, the Internet Freedom and Broadband Development Act of 2001.

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAUZIN. Mr. Chairman, I would like to inquire of the Chair, did I hear you to say the gentleman from Michigan (Mr. CONYERS) had an additional 10 minutes not being used at this time, because we are trying to allocate time between proponents and opponents as equally as possible.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) from the Committee on the Judiciary does have 10 minutes of debate time.

Mr. TAUZIN. Is the gentleman from Michigan (Mr. CONYERS) present to use that time?

The CHAIRMAN. The Chair does not see the gentleman from Michigan (Mr. CONYERS) present in the Chamber.

Mr. TAUZIN. What happens to the time if the gentleman from Michigan (Mr. CONYERS) does not appear to use it?

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. If the gentleman from Michigan (Mr. CONYERS) is not on the floor to control time, what happens?

The CHAIRMAN. The gentleman's time will remain available until all other debate time has expired.

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. What is it the Chair is telling us then? If the gentleman from Michigan (Mr. CONYERS) is not here and we conclude the debate, what happens?

The CHAIRMAN. If the gentleman from Michigan (Mr. CONYERS) is not

present at the conclusion of debate, that time will be considered yielded back.

Mr. TAUZIN. Mr. Chairman, if I can make a further parliamentary inquiry, the normal procedure for us to debate general debate on a bill is that time is used equally by proponents and opponents. If one of the opponents is saving 10 minutes to be used after debate is all finished, that disrupts the normal procedure of the House. I would inquire as to why this is being allowed.

The CHAIRMAN. The Chair is informed that recognition for general debate proceeded out of sequence because part of the Committee on the Judiciary's allotted time has already been used by the gentleman from Utah (Mr. CANNON) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. TAUZIN. Mr. Chairman, I wonder if the Chair would call on the gentleman from Michigan (Mr. CONYERS) to use this time as we are using our time so that this debate can be balanced as we go forward. My concern is that if an opponent who has time in his pocket waits until the very end of the debate and then uses it all, then it very much unbalances this debate. That is not normal procedure for this House.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) does have the right to close general debate; and when that begins, that will conclude debate.

Mr. TAUZIN. The Chair has satisfied the gentleman in his request. I thank the Chair.

Mr. MARKEY. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. CONYERS), there was a piece of erroneous information which was given to the gentleman, which was that the Committee on the Judiciary's portion of this debate would take place subsequent to the conclusion of the Committee on Energy and Commerce portion. As a result, he went back to his office. I am reliably informed he is on his way back over here in order to claim that time.

This is not something that is being done in any way to undermine the normal procedural order out here, but rather just a piece of information which was given to him personally; and he is on the way back over here because he does want to participate in this debate.

The CHAIRMAN. When the gentleman does arrive, he will be recognized.

Mr. TAUZIN. Mr. Chairman, we certainly accept that explanation and understand it.

Mr. Chairman, while we are awaiting the arrival of the gentleman from Michigan (Mr. CONYERS), I am pleased to yield 1½ minutes to another great Member, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would say to the chairman

and the ranking member, competition is enormously important. Competing interests on competition and access are important.

Mr. Chairman, I think today that this debate will focus on and emphasize the fact that we can have access, which is so key, and competition. I believe that the next generation Internet, broadband Internet, offers even more potential distance learning and telemedicine applications that will help the elderly and those unable to travel.

Just a few minutes ago I was in a hearing on NASA, and one of the strong suits on supporting NASA and space is the ability to treat, if you will, diseases and the research that comes about through space travel. This broadband extension will create access to those who do not have the ability to access expertise, research health care that they could not get.

The two amendments, the Upton-Green amendment and the Buyer-Towns amendment, will reinforce the responsibility of the FCC to ensure competition by increasing penalties, making sure that those who are subject to deregulation do what they are supposed to do to serve the American people.

This is a step forward. Let us not let happen to us what happened with the superconductivity lab, where we lost the ability to do that research and it went to Europe. Let us be in the forefront of the access to broadband and make a difference for Americans and ensure that rural and urban areas can be heard.

Mr. Chairman, if I may say to the distinguished gentleman, as the gentleman well knows, I had an amendment that talked about the idea of making sure the digital divide would be closed. I would ask, and I see my ranking member standing, that is my concern, having met with 40 of my community, that we are able to close the digital divide and make sure that inner-city neighborhoods, Hispanics and African Americans are having access.

Mr. DINGELL. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the answer to that question is yes.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, we will work on that matter together. I thank both gentleman.

Mr. Chairman, I believe we must view this important legislation before us, H.R. 1542, in light of the creation and progress of the Telecommunications Act of 1996, which was designed to increase competition, quality and affordability of service universally, and the elimination of the digital divide.

During the passage of this Act, which passed with overwhelming majorities in both

the House and the Senate and was signed into law by President Clinton, I served on the Conference Committee and had particular insight into the problems and potential solutions that plagued the deployment of service to all sectors of the American population.

Having had such a significant role in the process, I am clear that the primary purpose of the Act was to promote competition and reduce the regulatory burden in order to lower prices and increase quality services for all Americans. It was intended that this would encourage the rapid deployment of new telecommunications technologies, in such a way that increased access for all Americans in order to eliminate the digital divide which in terms of barriers to jobs, education, and trade.

At that time, it was evident that the telecommunications landscape was rapidly changing, and the manner and speed of such development could not be precisely ascertained. On the horizon was the merging of telecommunications, video, and computers into one medium originally intended to only carry voice or analog transmissions.

Today, five years later the Internet and telecommunications technology have come a long way in fulfilling the promise of improving the lives of all Americans. However, despite the positive effects of the Act and other legislative efforts to eliminate these problems, the digital divide remains pervasive throughout this nation.

I believe that the bill before us, H.R. 1542, while not perfect, addresses many issues confronting us in the new information age. I believe that appropriate and targeted deregulation of broadband services is necessary at this juncture in order to stimulate greatly needed and increased investment in high-speed Internet services throughout the Nation.

Such measures are necessary in order to level the regulatory playing field with cable, which essentially dominates the market, in order to stimulate competition to the benefit of all Americans. The result should be affordable broadband access to more customers, while also helping to stimulate the economy and eliminate the digital divide.

I was moved by several letters to Congress last week. Cynthia Jones, from Houston wrote "Dear Rep. Jackson Lee . . . Access to high-speed Internet connections is crucial to consumers and communities in today's economy . . . I strongly urge you to support (H.R. 1542)."

In another letter, The Hispanic Technology & Telecommunications Partnership which represents 40 million Hispanic Americans on public policy issues effecting technology and Internet issues wrote "H.R. 1542 establishes national policy that will set equitable rules and regulations for all broadband/high-speed Internet service providers. This, in turn, will create an economic and regulatory environment that will ensure Latino inclusion in a society that increasingly depends on high-speed communication for education, commerce, telecommunicating, and service delivery."

In another letter the AFL-CIO wrote "H.R. 1542 would . . . stimulate build-out (into rural and urban underserved areas) by telephone companies . . . creating jobs and driving innovation in internet services."

Finally, the Communications Workers of America who wrote "H.R. 1542 is necessary to ensure continued vibrant competition between cable and telephone companies as they

build out their high-speed data networks. Competition to build out their high-speed data networks. Competition to build multiple broadband networks will spur job growth as well as development of new and lower-priced Internet services for consumers."

It is clear that because this bill allows the Bells to carry Internet traffic across current LATA long distance boundaries, the costs the Bells currently must pay to other communications companies to transmit data traffic will necessarily be eliminated, resulting in greater competition and cost savings for all Internet providers and their customers.

In my state of Texas and in Houston, which I represent, this 1996 Act has had a profound impact on the quality and level of service provided to the residents and businesses. The local service provider, Southwestern Bell, has had a long and distinguished history of outstanding telecommunication service to both the private and business sector. I have found them to be responsive and proactive in bringing together private and public interest in the pursuit of high standards and corporate good will, and I thank them for their good work.

The importance of such services and broadband technologies furthers our goals of increasing the quality of life and bringing people together through such applications as distance learning education, medical information links, on-line health clinics, home security, teleconferencing, and greater effectiveness and accountability for our law enforcement professionals.

Broadband is, in the truest sense, the future of telecommunications, advancing our needs through such media as cable, digital subscriber line (DSL), satellite, fixed wireless, and others.

Currently, many offices and business have access to these technologies. But the great challenge for this industry and for Congress is to insure that all Americans have the same level of access, and the same quality and affordable service, particularly, to our rural and undeserved areas, which have been traditionally left behind in this revolution.

It is for these areas of the general population that this legislation before us today has potentially sweeping ramifications in the way we deploy and service broadband to Americans in every community and home in this Nation.

The need to secure and promote competition is a crucial component in this evolution, particularly in the crucial sector of the American economy which has been left behind the broadband superhighway.

However, because of the depth and impact of the bill before us, I believe that we should utilize the full resources and insight of all of the Members of this House in order to arrive at the most comprehensive and inclusive piece of legislation that effectively serves the needs of all Americans.

Specifically, the need for increased attention to the serious problem of the digital divide is imperative. To this end, on February 21, 2002 I met with forty members of the Americans for Technology Leadership to address this important issue.

I have been working on this issue for the past several years by working with Members of Congress to try to persuade the High-tech industry to hire, recruit and retain more minority Americans. This meeting was a continuation of that progress.

The digital divide must be approached on many different levels. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. The growing workforce of our country and the strength and growth of the High-tech industry must make it a priority to train our own workers, before hiring highly specialized foreign workers.

While I am an advocate of the H-1b program which brings foreign workers to the United States, I also support efforts to continually train and update the skills of incumbent American workers, and to promote such employees where possible.

High-tech employers should take constructive steps to recruit qualified American workers who are members of under represented minority groups, recruit at historically black colleges and universities, and advertise jobs reaching out to older and disabled Americans.

It is also important that high-tech companies provide equal employment opportunities to United States workers in rural communities. With the leadership of CBC Members from rural districts, I advocated last year the proposition that those living in rural communities will have the opportunity to secure positions in the rapidly expanding job market.

I am pro-labor and pro-business as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue. Estimates show that African Americans make up 11 percent of information technology workers, and that Latinos make up another 7 percent. Those numbers show that our communities have a share of jobs that positively reflects our share of the work force.

In a statement issued written by Hugh Price, the President of the National Urban League, he states that, "In the State of Black America 2000, the League showed that African American college attendance was now increasing at a faster rate than whites. The National Science Foundation has found that African American college students are nearly twice as likely as white students to major in computer science. So, it is very important that the current, and future, diversity of the information technology work force be maintained, and protected.

While the digital divide appears to be shrinking, much more work is needed. According to "A Nation Online", only one in four of America's poorest households were online in 2001 compared with eight in ten homes earning over \$75,000 per year. Even more striking is the fact that this gap expanded dramatically between 1997 and 2001.

More women and minorities in the United States are using the Internet. About 23 percent of African Americans and 36 percent of Latinos in the U.S. use the Internet, and those numbers will reach 40 percent and 43 percent respectively by next year, according to recent statistics.

One hundred thousand tech jobs in Texas and half a million jobs in the United States are unfilled, reports Terry Hiner, a former teacher who now works for Girlstart.

Texans deserve this type of access to the Internet through the technology that best meets their needs. Until now, low population density and expansive geographic distances have made it difficult to provide certain types of services in certain areas. As thousands of

workers from Texas know first-hand, the technology and telecommunications industries have suffered massive slowdowns over the past year, which has dragged down the U.S. economy.

These sectors have served as a driving force in our economy for years, and the collapse has harmed millions of workers and investors. In addition to thousands of layoffs—more than 292,000 telecommunications workers this year alone have announced spending and investment cuts in the billions of dollars.

The Administration has abandoned the fight to bridge the digital divide. In its FY 2003 budget, the White House cut over \$100 million in public investments previously available for community technology grants and IT training programs—programs that offer real payoffs to rural communities, the working poor, minorities and children.

To fully address the important issue of the digital divide, and to ensure that the competitive aspects of this bill are fully addressed, I would have hoped for the opportunity for all amendments to be fully discussed and debated.

I believe that more amendments allow for a greater and more robust debate and examination of potential solutions to the broadband problems that American faces. That's why I support the amendment offered by Congressman TOWNS and BUYER which seeks a compromise on the important issue of "line sharing", allowing the CLECs access to the RBOCs copper wire and fiber lines, and empowers the FCC to set "fair and reasonable" prices for such usage. In return, however, it requires the CLECs to build their own "remote terminals" as opposed to using those of the Bells.

Additionally, Congressman UPTON's amendment which provides for greater enforcement and penalties in the event that the Bells violate the provisions of the 1996 Act helps us in considering whether competition is alive and well. This amendment was offered in Subcommittee, then withdrawn. In pertinent part, it gives the FCC cease and desist authority and provides for forfeiture penalties for failure to comply with the 1996 Act.

Similarly, Congressman CONYERS' amendment ambitiously seeks to ensure, above all else, that this bill complies with both the letter and the spirit of the 1996 Telecommunications Act in terms of competition and access for all Americans.

Finally, the amendment that I offered, which was not taken up, recognized that legislation, which leaps ahead of adequate study and reflection, could easily undermine the current course we are on in developing our workforce and bridges the digital divide. To this end, my amendment mandated, in pertinent part, that the FCC conducts a study of the impact of the amendment made in this section on: (A) the deployment of high speed data services to urban and rural underserved areas; (B) the rates for telephone data services; (C) the number and quality of the choices available to consumers in selecting providers of telephone and data services; and (D) growth and the level of competition in telephone and data services. It also requires the FCC to report to Congress within one year after the date of enactment of this Act.

Also, it included a Sense of Congress that nothing in the bill should impact negatively on the closing of the digital divide in rural and un-

derserved communities, and particularly schools, libraries, and historically Black and Hispanic schools and institutions of learning.

It is my greatest hope that we may consider these amendments so that we may strike the right balance in reducing the regulatory burden while eliminating the digital divide in this country for all Americans.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to my friend, the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this bill. Today, fewer than 10 percent of U.S. households have broadband Internet access; and in urban and rural areas, broadband Internet access is practically nonexistent.

During debate on this bill in committee, the industry proponents of the bill argued that if given regulatory relief, they would deploy broadband services in underserved areas. So in an effort to hold them true to their word, I, along with my colleague, the gentleman from Ohio (Mr. SAWYER), offered the Rush-Sawyer amendment that requires the Bell operating companies to offer high-speed Internet to urban, poor and rural areas within 5 years through DSL or other alternative technology.

The rationale for this amendment was simple: to ensure that previously overlooked and underserved communities have access to quality connections such as broadband and that they are no longer left on the fringes of the digital revolution.

Today opponents of this bill will argue that giving the Bells' regulatory relief will undermine local competition in the voice market. Let us not be fooled. This bill is only about one thing and one thing only: urban poor and rural areas within 5 years having to have alternative Internet technology.

Mr. Chairman, no competition equals no access and no choices, and no choices equal higher prices. Therefore, it is a no-win situation for the consumer. I urge my colleagues on both sides of the aisle to support H.R. 1542, the Tauzin-Dingell bill. A vote for H.R. 1542 is a voice for more competition and more choices, lower prices and guaranteed access.

Mr. TAUZIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

(Mrs. CAPITO asked and was given permission to revise and extend her remarks.)

Mrs. CAPITO. Mr. Chairman, I rise to support H.R. 1542—the Internet Freedom and Broadband Deployment Act.

This plan is hugely important for my home State of West Virginia and the rest of rural America.

We've heard a lot of talk about the digital divide—the GAP in access information technology between rich and poor. But the digital divide also exists between urban and rural America, and that's just as critical.

Today, about 1 out of every 4 Americans lives in a community with less than 10,000 people. But for every 100 of these small

towns, only 5 have access to broadband or high speed internet.

The lack of broadband access limits the economic potential of rural communities, hindering their ability to attract businesses and retain jobs—especially in today's economy where e-commerce plays such a huge role.

Just as a lack of sufficient traditional infrastructures such as roads and sewer systems can deter businesses from operating in rural areas, so too does the lack of technological infrastructures like broadband.

Unless we act now to fix this inequity, the absence of an efficient information superhighway will continue to be a barrier to economic development in rural areas. This bill, H.R. 1542 will help break down many of these barriers.

But the potential benefits of broadband deployment to rural America aren't just economic. They are also educational.

With broadband capabilities, rural schools would be able to connect their students to new learning opportunities across the country—and even around the world.

In my home State of West Virginia, there are many schools that are severely handicapped from offering the maximum amount of access and training on the internet because of the lack of broadband access.

Teachers and students from Braxton Middle School have told me of how broadband technology is something they desperately need but do not have access to.

Mr. Chairman, these students of Braxton County, as well as many others in rural America, will someday be a part of our Nation's workforce. But we will fail to properly prepare and educate them to become the workers of the 21st century if we do not give them the necessary tools—and that includes high speed internet access.

Mr. Chairman, this bill holds tremendous promise for the development of my home State of West Virginia and the rest of rural America.

I urge my colleagues, whether from an urban areas or a rural location, to support H.R. 1542 and close the digital divide.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Louisiana for yielding me time. Let me thank the gentleman from Louisiana and the gentleman from Michigan for bringing this bill to the floor.

Mr. Chairman, I am about to suggest that I very likely might be that Member of the House who has studied on this legislation more than any Member not on this committee or perhaps the Committee on the Judiciary. I have studied on this legislation from the point of view of seeking that supermighty application that will get the whole world to sign up for a big old fat pipe called broadband, whether it be cable, DSL, or whatever.

I have studied to the point where I have gone out in the marketplace and sought my alternatives between wireless cable and DSL; made a decision; purchased my DSL; brought my DSL home; installed it myself; and had that

marvelous magic moment when it actually went. And what an exciting day that was to start shipping Hank Williams over the Internet, just like I owned every one of those songs.

So it is exciting, and it fits right in to an overriding belief that I have: we, Mr. Chairman, you and I, we are living over what very likely is the most exciting and the most fascinating economic revolution ever certainly in our lifetime. We have seen the agricultural revolution. Historians have told us about that. Even the industrial revolution is history to everybody here except the gentleman from Michigan (Mr. DINGELL), who was there at the industrial revolution.

But for us to be here in the middle of the electronic revolution, what an exciting time in our history, to see this great electronic driving engine. And there is a sense that we need to take the technology one step further in terms of the lines over which we traverse with this electronics, and that is really what this bill is all about.

We did telecommunications as it affects voice. Now we are looking at these new innovations in data transmission that we had not even anticipated, even as late as 1997.

I think the chairman of the committee has worked well with everybody who has been involved. I have watched the process, I have encouraged the process, I have participated in the process. We have tried to look for the well-being of the RBOCs, the long-line carriers. We have tried to be fair. The chairman has listened to every argument, conceded every point he could.

We have, many of us, and let me bring myself clearly here on this point, we created the limb on which an awful lot of people that we call CLECs crawled out on in 1997. There is some criticism that maybe some of these CLECs do not have the best business plan in the world, but what plan they have is the plan they made in accommodation to the law that we built. So we have a responsibility for the CLECs.

I have watched the chairman of this committee work hard to deal with the CLECs. Hopefully, we have found an accommodation to those CLECs that is, in fact, as it were, economically viable; and there are those out there, and perhaps we will see that work here.

If indeed as we move forward with this legislation there is still additional innovation that can be done that preserves the instrumental purposes of this bill, to build the broadband into every household into America and get America back online and the economy growing and the job creation that follows that makes further accommodation to CLECs, I am confident that everybody in this body will work toward that end.

So, Mr. Chairman, let me say again, I want to thank everybody for the hard work that has gone into this bill, the sincere work that has gone into this bill. This is a big deal. We are privileged to be part of it.

I would encourage my colleagues to vote for this bill and to look forward to the opportunity of moving this legislative process even further through the line, to the ultimate conclusion of me having every one of my grandchildren on a big old fat broadband sending pictures to his grandpa on a daily basis wherever they live in America, urban, rural or wherever. That is, in the end, what will make this economy boom and make us all more well served and entertained by the wonders of this electronic revolution.

□ 1345

The CHAIRMAN. The Chair would inform Members that the gentleman from Louisiana (Mr. TAUZIN) has 2½ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; the gentleman from Michigan (Mr. DINGELL), 3 minutes; the gentleman from Utah (Mr. CANNON), 3 minutes. The gentleman from Michigan (Mr. CONYERS) has 10 minutes and will now be recognized.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted to be here to merely continue the discussion about some misunderstandings that seem to be the basis for advancing this very important legislation called Tauzin-Dingell.

The first is that the Tauzin-Dingell bill will speed up rural deployment of high-speed Internet. Yet, we have letters and comments from the Nebraska Public Service Commission, the Florida Public Service Commission, the State of Iowa Utilities Board, the Tennessee Regulatory Authority, the New Mexico Public Regulatory Commission, the Montana Public Service Commission, the South Dakota Public Utilities Commission, and the Washington State Utilities and Transportation Commission which all say that to eliminate the line-sharing requirements in H.R. 1542 would, in effect, decrease the rate of deployment of competitive broadband services to resident consumers.

Now, are the Bells a monopoly? Were the Bells a monopoly? Interesting. They are getting larger and larger, even as a result of the 1996 Telecommunications Act, and they are growing. Many of them have doubled their broadband subscribers: Verizon up 122 percent, Quest up 74 percent, Bell South up 188 percent; and the largest one of them all, SBC, which includes Ameritech, the most complained-of service in the State of Michigan, as at least half the delegation will attest, which includes Southwest Bell, Pactel, and Ameritech, well, they are only up 70 percent.

So the question is, why are we granting them an exemption from the requirement that was the heart of the Telecommunications Act of 1996? Well, it is because once you get bigger and larger and can influence more and more people, they figured out that why not eliminate sections 251 and 271,

which require the local monopoly facilities to be open to competitors. So what the bill on the floor does is give the local Bell monopolies a license to exclude.

Now, if that were not bad enough, we have an amendment, a modest amendment offered by myself and the gentleman from Utah (Mr. CANNON), which would correct that, but it is subject to a parliamentary process which my colleagues will find very interesting. The process is called king of the Hill without a vote. King of the Hill without a vote. That is, if one can get through Buyer-Towns, then we do not need to consider Cannon-Conyers.

Then it is pointed out, that is the historical rules. What is the complaint about? We granted you an amendment. We forgot to tell you that you would also have to defeat another amendment which was drummed up to present this very same challenge.

So I urge Members to, first of all, join with me in a close and critical examination of Buyer-Towns, and then we can move on to what I consider to be the heart of the discussion this day: the Cannon-Conyers amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) still has the largest amount of time remaining.

Mr. CONYERS. I do not choose to yield at this point, Mr. Chairman.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I would like to congratulate the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his work to correct the flawed Goldwasser antitrust decision. This horrible decision has been used by the Bell monopolies to shield themselves from over 100 years of antitrust law so that they can continue to act as monopolists, plain and simple.

The inclusion of the Goldwasser position is a coup for the telecommunications community and reaffirms this body's decision back in 1934 and again in 1996 that the antitrust laws do, in fact, apply to the Bell monopolies. Hopefully now, the Bells will be held accountable for their anticompetitive behavior that the Bells are so famous for. I do not know how the gentleman from Wisconsin (Mr. SENSENBRENNER) was able to negotiate such a huge concession, one that will allow the Department of Justice to crack down on all three Bell monopolies, but I congratulate him for that.

Unfortunately, while I acknowledge the success of the gentleman's work and his attempt to improve this bill, I remain convinced the Tauzin-Dingell bill is fatally flawed, and I oppose it strenuously.

Mr. Chairman, this bill is touted by its supporters as a deregulation bill, and it does do exactly that. Tauzin-Dingell deregulates a monopoly that

has the advantages of incumbency, advantages paid for by government-imposed monopoly dollars. This is what we fought with the 1996 Act when we imposed unbundling requirements on the Bell monopolies.

Make no mistake that, if this bill passes, competition will be stomped out, and we will see unregulated re-monopolization of the telecommunications industry. Not only will we be undoing the work of this body in the 1996 Telecommunications Act, we will be taking the telecom industry back to the pre-1984 AT&T divestiture days.

Through the course of this debate, we will hear the supporters of this bill say the Bells need this in order to roll out DSL service. Let me assure my colleagues that DSL service is being rolled out now across America at an amazing rate, and it is being done without this bill. This chart explains that.

In 2001, BellSouth increased its coverage from 45 percent to 70 percent of the households in the markets that BellSouth serves, nearly tripling the DSL customer base. BellSouth has the fastest growth of any DSL or cable provider.

During the same period, as we can see from the chart, SBC became the industry's largest DSL provider, with 1,333,000 subscribers.

Last year, Verizon also saw significant growth with an increase of over 122 percent, going from 454,000 customers to 1.2 million, with total revenues in excess of \$7 billion.

The roll-out of DSL is hardly stifled by the current regulatory structure. What the Bells are really after is the ability to freeze out the competition and increase their monopoly power and free themselves from the consumer protections put in place by State PUCs and the FCC.

I assure my colleagues that this bill is not going to speed the roll-out of high-speed Internet service across the country. Rather, it will allow the Bell monopolies to have total control of the telecommunications industry.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Competition, not re-monopolization, is what is needed to ensure the roll-out of DSL at a price that is reasonable for consumers. The competitive industry is already deploying broadband, and competition is driving down the cost to residential consumers.

As the second chart shows, the Bell monopolies had no interest in rolling out affordable high-speed access until they were forced by the competition. The Bells had DSL technology as far back as 1990, but instead of implementing it into their networks, they chose the more expensive T-1 technology. It was not until after passage

of the 1996 Telecommunications Act requiring interconnection that the DSL competitors, such as Covad, did DSL begin to roll out, forcing the monopolies to respond in kind.

Today, DSL deployment is still being driven by competition. Unfortunately, the mere existence of this bill has a chilling effect on the telecom industry where it matters most, and that is Wall Street. It freezes out competition to the Bells. It will undermine consumer protections provided by State governments, and it will bring the level of customer service that the Bells are known for to the entire telecommunications industry, something I do not think we want.

With campaign finance so fresh in our memory, I urge this body to put the hopes and desires of most Americans who believe in the promise of a free and competitive marketplace ahead of the domination of the Bell monopolies. America is and should remain a meritocracy where competition and entrepreneurship matter most. Please vote "no" on H.R. 1542.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is unusual in Michigan that we find the alliance of bipartisan that has grown around opposition to this measure. I do not believe anyone here has quoted Governor John Engler recently. I do not think I ever have. But now is an appropriate time, as his career comes to an end due to term limits.

Here is what he said in the Wall Street Journal: "We had a vision that we would have major players competing for our business, that there would be at least two choices for all of us," said Michigan Governor John Engler. "That has not happened, and that is great frustration to me."

That echoes the remarks of the gentleman from Michigan (Mr. ROGERS) on the floor just a little bit earlier.

No, ROGERS is not for Tauzin-Dingell. ROGERS is opposed to this. He is very courageous in the committee to take this stand, but he is being clear and honest about it. Because, I say to my colleagues, not only was the Committee on Rules wired, but the Committee on Commerce itself was wired. Well, why? So was the Committee on the Judiciary, someone said.

Mr. Chairman, H.R. 1542, which was turned down in the Committee on the Judiciary, negatively reported, would eliminate any meaningful opportunity for competitive carriers to gain access to use an incumbent's local loops to provide their own high-speed data.

Now, while the bill's sponsors say that it preserved the FCC's current line-sharing rules, in fact, it preserves only the illusion of line-sharing. We have been wired twice, I say to my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3

minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1½ minutes; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; and the gentleman from Louisiana (Mr. TAUZIN) has 2¼ minutes remaining. The time of the gentleman from Utah (Mr. CANNON) has expired.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time to close so that the other gentlemen may use up their time.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Am I correct to assume that the friends of the bill have the right to close?

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. DINGELL. And I gather that the friends of the bill would also have that right, whereas the opponents of the bill would not, am I correct? I happen to be a friend of the bill, and the gentleman from Louisiana (Mr. TAUZIN) happens to be a friend of the bill. My dear friend, the gentleman from Michigan (Mr. CONYERS), is a strong opponent of the legislation, as is my dear friend, the gentleman from Massachusetts (Mr. MARKEY).

So I would like to hear their comments, and since I have only one more request for time I would like to hear that one last, because it might convince me.

□ 1400

The CHAIRMAN. Once again I say to the gentleman from Michigan (Mr. DINGELL) that the manager of the bill, the gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. MARKEY. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, I am a friend of telecommunications competition. I know telecommunications competition. This bill is not a friend of telecommunications competition. In fact, what has happened since 1997, after the 1996 Telecommunications Act passed, was that broadband deployment went across the country at such a rapid pace that now somewhere between, depending upon how we look at it, 70 to 80 percent of all Americans now have access to broadband.

That did not happen by accident. It happened because we had a vigorous competitive telecommunications policy. That is why the Bells do not like it. But it has ensured that upwards of \$60 billion of investment that otherwise would not have been made was put out into the marketplace.

We do not want to change that. The bill in 1996 was a paranoiac-inducement act. This bill is meant to be a sedative, a calming influence, so the Bells do not have to feel that paranoia any longer. If we do that, we will be looking at the future through a rearview mirror.

MR. CONYERS. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from New York (Mr. NADLER) from the Committee on the Judiciary.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 1½ minutes.

MR. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

The best way we know to lower prices and improve customer service in any market is to increase competition. This bill does exactly the opposite. It would make it easier for the big-money phone companies to squeeze their competitors and to force the remaining CLECs, competitive local exchange carriers, into bankruptcy.

It would raise prices for competitors and decrease incentives for local monopolies to open their markets to competition. Less competition, higher prices and worse customer service will be the result.

This bill turns the Telecom Act of 1996 on its head. It would allow the local Bell monopolies to have access to all long distance data markets, whether or not they face competition in the local level. The Tauzin-Dingell bill says, we do not care if the Bells have a monopoly at the local level, we are going to allow them to offer long distance data services. We all realize soon there will be no distinction between data and voice, since both data and voice can be reduced to the zeros and ones. Data is voice, for all practical purposes.

Tauzin-Dingell says the Bells do not have to open their networks for competition. If they modify existing lines, they do not have to provide open access to their networks at prices that allow for competition. The Bells are essentially seeking the ability to price their competitors out of business and extend their local monopolies.

We need to stand up to the Bell companies and say no. We believe competition is the best way to improve customer service and lower prices to consumers. We support true competition and ought to oppose anticompetitive legislation like Tauzin-Dingell.

One other point. We support more competition in the cable markets, as well. I am concerned that that local cable monopoly is raising prices and limiting the choice of consumers.

From what I understand, Tauzin-Dingell does not even address the core business of cable companies, which is to provide multichannel viewing services. If this bill passes, no one is saying consumers will have more choice in the TV viewing market. They are only promising choice for the broadband markets. The problem is there already is choice in the broadband.

This bill is not about cable companies; it is about local telephone companies themselves. We should not support one monopoly simply because another exists in another market. I urge everyone to oppose this bill.

MR. DINGELL. Mr. Chairman, I yield myself the balance of my time.

THE CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

MR. DINGELL. Mr. Chairman, I have listened to this debate with a great deal of interest. Everybody is for competition. The bill says there will be unlimited competition in the area of broadband Internet, and guess what, it does. My friends on the other side say, but they do not want the competition to occur.

Now, there is a very interesting situation. The way it works now is that the Bells cannot go into broadband because they have too many inhibitions and too much restraint on their investment, so they do not go in.

The United States now has only 8 percent, whereas Korea has better than 36 percent of their homes wired for Superfund and broadband. Imagine how important that then is.

Now, having said that, if we want to get investment, look at what the president of AT&T, one of the principal opponents of this legislation, says: nobody is going to invest if they do not get exemption from excessive regulation, which precludes their investment and does not allow them to get a return.

What does the bill do? The bill does a series of things. First, it requires every part of the country to be served within 5 years. Second of all, it eliminates all constraints on competition. It does not hurt the CLECs, which by and large are noninvesting parasites which happen to get a huge benefit from the services that are provided by the Baby Bells. They get these services at a significant deduction in cost. They continue to get that. But on new investment, however, they will not get anything other than fair treatment.

Now, AT&T wants just an unfair advantage. The people at the CLECs want, again, an unfair advantage because they want to see to it that any investment that comes on the part of the Baby Bells will be given to them at low cost.

We are going to allow them to keep what they are getting now, but we are not going to permit them to get this kind of a sweetheart deal and to deny American users of the information net an opportunity to get the kind of services that they really want. That is what is at stake, and that is why the ferocious expenditure of money on lobbying against this particular piece of legislation.

Now, if Members want to get service for the American people, if they want the Internet to be readily available, allow competition to reign. I was one of the authors and supporters of the original 1996 act. Allowing competition to take place was our purpose. I would observe to Members that the only way they are going to get it is to mandate it.

The States will continue to have their authority to address voice serv-

ice, the FCC will continue to be able to address voice service, but we are going to do what everybody says has to be done to get Internet service to everybody, and that is, we are going to get regulation out and competition in. Quality will appear for the American public in terms of service; and competition will give us competitive prices, which will benefit the American public. That is what this is all about.

If Members want to take care of the American people, if they want competition, if they want services, that is the way to get it.

One curious story has been going around, how Tauzin-Dingell would adversely affect competition and how it would adversely impact e-net. The simple fact of the matter is that the e-rate will not be affected in even the slightest fashion by Tauzin-Dingell.

I would urge my colleagues to therefore support Tauzin-Dingell and oppose the amendments which will be offered by my good friends, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON), which are in effect a crippling poison bill which will force continuance of regulation on that industry forevermore, and give us 50 different competitive sets of regulations that nobody can meet.

MR. TAUZIN. Mr. Chairman, I yield myself the balance of my time.

MR. CHAIRMAN, to clear a matter for the record, I want to be clear that the manager's amendment provides that the saving clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean neither the antitrust laws nor the application of those laws by the courts are repealed by, precluded by, diminished by, or incompatible with the Communications Act of 1934, this act, or any law amended by neither such act.

MR. CHAIRMAN, we have seen some pretty charts today. I remember when the networks were really getting the election wrong last year, when they got the Presidential election so messed up with all their predictions. Tim Russert came with a little chart, a little chartboard, and he said, Here it is, the election will be settled in Florida. He was so right.

I watched all these pretty charts, and I have drawn my own while we were talking. This is the state of broadband in America. This is what broadband looks like. Ninety percent of America is unserved, unconnected, and 90 percent of America denied the benefits of this incredible new technology.

Guess who lives in that 90 percent? The Members guessed it, people who live in the rural parts of America, people who live in the underserved parts of America, the people who live in the minority centers of our cities in America, the people who are going to be the last ones cable reaches out to with broadband if cable is the only provider on the ground.

Look at the state of broadband in America. Only 10 percent of Americans

are connected, and two-thirds of that, 70 percent, about, is connected by cable. No wonder, no wonder AT&T cable is the biggest opponent of this bill.

There is a quote in a Wall Street Journal article last week: “‘Global Crossing built the highway,’” the high-speed network, “says Jeffrey Eisenach of the Progress & Freedom Foundation, but the FCC destroyed the incentives for the Bells to build the on ramps.”

They were talking about the Tauzin-Dingell bill getting rid of these phony regulations that have stopped the building of the on and off ramps to the rest of America. No wonder that bill “. . . is hung up, thanks to its opposition from AT&T and the other cable operators.”

This is the same fight we fought in 1992, the same fight when we came to this floor with a dream, a dream that instead of regulating the cable companies, we could create competition for them in video.

We stood on the floor of this House in 1992 and on the Senate floor and passed a bill saying there would be an alternative, there would be a theater in the sky, satellite television, and 20 million Americans now have the benefit of satellite direct broadcast television, 500 beautiful channels of television to compete with cable; not just a second choice, I will remind the Members, but a second store to keep cable honest.

This bill is about keeping cable honest, about creating a competitor to broadband, about building the on and off ramps for the 90 percent of America that is left out, about making sure that the Internet is free of regulation. No wonder the regulators oppose this bill. They would love to regulate the Internet, just like the taxing authorities would love to tax the Internet.

Keep the Internet free, free broadband deployment, connect America, give us all a chance to enjoy this amazing technology. That is what Tauzin-Dingell does, and that is why we need to pass the bill.

Mr. OXLEY. Mr. Chairman, we have all witnessed the amazing growth of the Internet as it has become embedded in the U.S. economy in what seems like just a few short years. Businesses, schools, and home users are demanding faster, more dependable service. It is important for our economy and international competitiveness that the best quality Internet service be made available to the widest audience as soon as possible.

By reducing unnecessary regulatory burdens, Congress can promote the kind of competition that will increase the availability and affordability of high-speed Internet access.

For all of the advantages of advanced communications, however, there is a dark side. Terrorists and criminals can use the Internet and cell phones to communicate confidentially. Our law enforcement has been scrambling to keep up with the advanced technologies that the bad guys are using.

CALEA—The Communications Assistance to Law Enforcement Act—was passed in 1994 to make sure that the FBI and local police have the technical ability to conduct legal elec-

tronic surveillance to protect our society. It has disturbed me that full compliance with CALEA has been painfully slow in coming.

The original version of H.R. 1542 could have further clouded the compliance issue by calling the Federal Communications Commission’s ability to implement CALEA into question. I was prepared to offer an amendment making it clear that the bill would not jeopardize CALEA. The Buyer-Towns amendment does address this concern.

I believe that, in light of the events of September 11, it is imperative that CALEA be revisited. The compensation system has been a long-standing source of contention. Delivery and interface methods would benefit from greater specification. It should be clarified that CALEA applied to new telecommunications technologies. I want to encourage the telecommunications industry, the FBI, and interested parties to resolve these issues and am prepared to advocate needed legislative changes.

The spread of broadband, as envisioned by H.R. 1542, will do much good for our society. But like previous technologies, we also need to make sure that our society is equipped to thwart those who would use it for the wrong purposes.

Mr. TIAHRT. Mr. Chairman, I rise in support of the Internet Freedom and Broadband Deployment Act of 2001, and I commend Chairman TAUZIN and Ranking Member DINGELL for their hard work in crafting the legislation before us today.

Make no mistake about it. This legislation will create real competition among Internet Service Providers and guarantee more choices and lower prices for the American people. In my state of Kansas, high speed internet access is currently available to about 1.3 million consumers. This bill will guarantee high speed access to an additional 830,000 Kansans. Equally important, it will expand access to an additional 20,000 Kansas businesses, 500 schools, and 200 hospitals and libraries.

Like many of my colleagues, I represent a district with a large rural population. This legislation will bring high-speed internet access to small towns and rural communities currently unable to receive it. No community will be left behind.

Mr. Chairman, we have a choice today. Congress can vote for providing consumers with greater access to internet services, greater choices among providers, and lower costs. OR we can let companies, rather than competition, determine the access and price for these services and leave millions of Americans behind.

I urge my colleagues to vote for competition and choice. Vote for the Internet Freedom and Broadband Deployment Act.

Mrs. JOHNSON of Connecticut. Mr. Chairman, there are many reasons to support H.R. 1542 and many reasons that it will benefit my state of Connecticut. However, among the most compelling are how it will help education, especially education for women who work in the home. These important benefits were discussed in a June, 2001 letter from the U.S. Distance Learning Association.

The USDLA firmly believes that universal access to broadband technology in our schools, our homes, and at work is critical to the realization of enhanced distance learning services. According to a recent study released

by the Web-based Education Commission “the promise of widely available, high quality web-based education is made possible by technological and communications trends that could lead to important educational applications over the next two to three years.”

H.R. 1542 can help us realize this promise by increasing the competition and choice of broadband service providers and by eliminating market disincentives to investments in the broadband deployment. By accomplishing this, we will be able to sustain the growth and prosperity of distance learning programs which are developing at a rapid pace.

Not only would H.R. 1542 enhance distance learning opportunities for students, it would also set the stage for improved telemedicine and job training services. These two broadband applications cannot be underestimated in today’s social and economic climate which increasingly depends on access to broadband technology.

Mr. Chairman, bringing high speed broadband communications into millions of new homes will open windows of opportunity now closed to many women, among them stay-at-home moms, the disabled, and seniors, who wish for educational opportunities but who have few choices today. As this exciting technology spreads, costs will go down and the availability of these services will increase, bringing with them the promise of distance learning for all who choose it.

This bill is also a boost to small businesses across the country. In my Congressional District, DSL is currently available to 17,500 businesses—and 130,000 in Connecticut. The passage of Tauzin-Dingell will guarantee its availability to 7,000 more businesses, more than 100 schools and dozens of libraries. In the 6th District of Connecticut it will add high speed Internet access to 2,526 businesses with 18,867 employees, 231 doctors offices, 3 hospitals, 50 schools and 17 libraries. It has the strong support of local chambers of commerce, including the Northwest Connecticut Chamber of Commerce, which represents the most rural parts of my district.

Mr. Chairman, H.R. 1542 will rationalize the regulation of broadband, not end it. The benefits that this technology promises for Americans who desire more educational opportunities, and for businesses which want to grow is unprecedented. I rise in strong support of this legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 1542, which would free the monopoly Bell Operating Companies to offer high-speed data service in their regions.

There is a very simple principle at stake today. Deregulation is good when it results in more marketplace competition. Deregulating a monopoly, however, destroys competition, impedes innovation, and hurts residential and business consumers. What’s good for a monopoly is only good for the monopoly.

H.R. 1542 would eviscerate key requirements of the 1996 Telecommunications Act and very quickly eliminate the fledgling competitive local exchange carriers (CLECs), which only came into being after enactment—and due to the promise—of the Act.

H.R. 1542 would also prohibit any federal or state regulation of rates and service quality for high-speed data services and leave consumers completely unprotected from monopoly abuses. More than fifty percent of the information carried on telephone wires today is high-

speed data traffic, and that percentage is growing daily.

In addition, with the convergence of voice, data, and video technology, information in the future will be carried on the same networks that now carry high-speed data traffic. As a technical matter, regulators will be unable to distinguish between voice and data traffic. As a result, under H.R. 1542, the Bell Operating Companies could escape all consumer protection and service quality regulation.

The proponents of H.R. 1542 have told us that the battle for Internet data service is really a fight between the giant cable companies and the giant local telephone companies. I couldn't disagree more with this assessment. Our nation will thrive if companies are allowed to operate under marketplace conditions that encourage the greatest number of technologies and providers for consumers. Unfortunately, H.R. 1542 draws the blueprint for duopoly control of the networks, and that would be a terrible outcome for consumers everywhere.

Competitive local exchange carriers (CLECs), Internet service providers (ISPs), consumer groups, and state public utilities commissions all strongly oppose H.R. 1542. I urge my colleagues to vote against this legislation. I also urge members to vote for the Conyers/Cannon amendment, which is the only amendment that will be offered on the floor that effectively addresses the bill's most serious shortcomings.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This bill continues the ill-conceived approach of deregulating the Telecom industry and promotes the "competition" advanced by the 1996 Telecommunications Act. I voted against the 1996 Act and I am voting against this bill.

Chairman TAUZIN has indicated that there are two ways to promote broadband development: deregulation of the industry or re-regulation of the industry. As California learned all too painfully in the energy arena, de-regulation doesn't work. By removing regulations put in place by federal, state, and local governments, we remove vital consumer protections and open markets to monopolies and price gouging.

Aside from my preference for further regulation as a means to promote telecommunications competition, there are several things in this bill that damage our already weak regulations.

Many of my colleagues who represent rural areas think this bill will ensure that their constituents have access to broadband services. This is simply not the case. Within five years, broadband data service must be available for anyone, with some exemptions. The consumer must live within three miles of a Bell office, so those farmers who have to drive three or more miles to visit their nearest neighbor will have to drive even further to get broadband internet access. Furthermore, if there is no other company providing broadband Internet access, the Bells don't have to deploy to those areas either.

Under this bill, the Bells no longer have to unbundle their services for local phone competitors. This means that a local company who wants to compete against a baby Bell must buy all of the services the Bell company provides to a customer, even if the customer doesn't want the service and the local company doesn't intend to provide the service.

Under the 1996 Telecom Act, this was not allowed. With the kind of prices I'm now charged for local phone service, I can't imagine what the Bells will charge for broadband service. This part of H.R. 1542 creates a market force to keep all competitors out of the broadband market place.

Finally, H.R. 1542 repeals any state or local regulations that protect consumers from abuses by broadband service providers. This includes regulations for: anti-spam, anti-slaming (stealing other companies customers), privacy and obscenity protections, and disability access rules that may have been enacted either by the state, or local government agencies.

In 1996, the Congress bought into the belief that deregulation of the local telecom industry would promote competition. Five years later, I still haven't seen any competition in the local phone market. It's time that we take the same approach to local telecommunications competition that we did not the long distance market: use the strong hand of the government to force these robber barons to give consumers a choice.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 1542, The Internet Freedom Broadband Deployment Act of 2001. As a co-sponsor of this bill, I believe we must act to ensure that more consumers have access to broadband services. Today, many consumers and small businesses do not have access to the high-speed Internet services because these services are prohibitively expensive or simply not available in their area. Getting companies to invest in providing this critical last mile of connection of broadband services is necessary to ensure that all Americans can get the information that the Internet provides.

Under the current telecommunications law, the regional Bell operating companies (RBOCs) are prohibited from carrying long distance Internet data beyond their current local service area without first meeting specific requirements by both the state public utility agencies and the Federal Communications Commission (FCC). This process for approval is cumbersome and take many months to complete. As a result, very few states have authorized these RBOCs to provide these long distance services to their customers. The state of Texas is one of the few states in the nation where the RBOCs can offer long distance services within their local area. However, there are many consumers in other states who do not have competitive broadband services in their neighborhoods. H.R. 1542 would correct this inequity by permitting RBOCs to offer broadband data services in their service areas without first opening up their local market to competition. This measure also includes a safeguard which prohibits the RBOCs from bundling or offering long distance voice services with their broadband data or Internal backbone services, unless the local exchange carriers (LECs) have opened their local markets to competition as prescribed in the 1986 Telecommunication law.

This deregulatory legislation will ensure that LECs can compete directly with cable companies to offer Internet services to their customers. I believe that it is important to note that cable companies do not currently have any restrictions on their ability to offer broadband services to consumers. Yet, the LECs are currently required to get authorization from both their public utility agency as

well as the FCC before they can offer their services. I believe that these obstacles to deployment of broadband services must be removed. As a result of this bill, consumers will have more choices and more competition for these services which should, in turn, lead to lower prices and better accessibility to broadband services.

Broadband services offer great promise to consumers. With access to broadband services, consumers will be able to quickly connect to the Internet and look up information or find a needed service. A recent Congressional Research Service report found that there are an estimated 6.2 million cable broadband subscribers and 3.8 million Digital Subscriber Line (DSL) subscribers nationwide. Yet, many consumers do not currently subscribe to broadband services, because it may not be available in their underserved area or because it is too expensive.

I also urge my colleagues to support the amendment offered by Representative FRED UPTON and Representative GENE GREEN. This amendment would increase the penalties paid by phone companies for violating requirements of the Telecommunications Act of 1996 from \$120,000 to \$1 million per day with the cap rising from \$1.2 million to \$10 million. For repeat offenders, the penalties would be doubled up to a maximum of \$20 million. In addition, this amendment extends the statute of limitations so the Federal Communications Commission (FCC) can bring enforcement cases against phone companies for up to two years. I believe that all of these enforcement penalties will help the FCC to ensure that these phone companies are complying with the law.

I also urge my colleagues to support the amendment offered by Representative STEPHEN BUYER and Representative EDOLPHUS TOWNS. This amendment would ensure that other competitors could access their broadband infrastructure. Under this bill, the RBOCs would be required to transmit competitors' broadband services based upon "just and reasonable" rates with the terms and conditions to be set by the FCC. I believe that requiring the FCC to set these rates will help to ensure that competitors can use these high-speed data transmission lines. This amendment also helps to ensure that competitors can directly connect with the RBOCs network by placing their remote terminals on Bell property or near Bell property. In addition, all current contracts as of May 24, 2001 would be valid until the contracts expire. This amendment also ensures that the FCC has the authority to enforce certain consumer protection laws with respect to Bell broadband services.

I believe that this deregulatory bill is necessary to spur the investment in broadband services so consumers will have more choices and better options. I urge my colleagues to support this pro-competitive legislation.

Ms. KILPATRICK. Mr. Chairman, today I rise in opposition to H.R. 1542, the Tauzin-Dingell Broadband legislation. I am simply not confident that this bill provides adequate protection to consumers. I have watched, over the years, while as a nation, we have boldly made our way down the road of deregulation. We deregulated the Savings and Loan Industry and watched them implode under the weight of their own largess. We saw the same with both the Airlines Industry and the former AT&T and Bell behemoths. In all of those

cases the consumer paid the price through increased fees, tax subsidies and decreased services.

Now, given the choice to either regulate cable and satellite or deregulate the Baby Bells, who we know to have a history of bad behavior, we are urged to deregulate the bad actors. In my eyes, the underlying legislation before the House represents a choice to deregulate the bad actors.

Without amendment, the underlying bill would limit State and Federal regulation of the pipeline we know as the Internet to an anti-trust suit against the Bell Companies. This Mr. and Mrs. America is no choice. This bill gives consumers, who are my constituents and the people that I care about most, no protection if prices are unjustly increased and no protection for failing service quality.

Internet Service Providers oppose the measure because it would subject them to the unrestrained will of the Baby Bells.

Small Innovative Telecommunications Companies oppose the measure because it will force them out of the market.

Thirty-one Public Utility Commissions, including Michigan's oppose this bill.

The National Governors Association opposes this bill.

The National League of Cities opposes Tauzin-Dingell.

The Council of State Governments opposes Tauzin-Dingell.

Most Consumers Groups oppose this bill because it will lead to price increases and inept service.

Mr. Chairman, as you can see there is strong opposition to this measure. Again, I am not confident that any amendment can fix this bill and protect the consumers of Michigan's 15th district. So I will oppose this measure on final passage.

Mr. EVANS. Mr. Chairman, I rise in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act. I believe it will harm competition within the telecommunications industry and reduce oversight of this growing and important sector of our economy, resulting in less service and choice for all Americans.

Broadband internet access is rapidly becoming a necessity for individuals and communities trying to keep up with trends in education and economic development. The internet is a tremendous resource for information, communication, and commerce. Understandably, individuals living in communities without access to broadband are frustrated by their inability to take full advantage of all the internet has to offer.

H.R. 1542 is the Bell Companies' proposed solution to the so-called "digital divide." They claim onerous regulations established by the Telecommunications Act of 1996 have prevented them from deploying broadband to underserved communities. Actually, the 1996 Act merely required the Bell Companies to meet a 14 point competitive checklist before offering long-distance service in their home markets. The promise of lucrative long-distance markets was to serve as an incentive for the Bell Companies to open their markets to competitors.

By exempting Bell Companies who wish to offer broadband services from competitive requirements, H.R. 1542 essentially guts all of the competitive elements of the 1996 Act. Bell Companies will no longer have to guarantee network access to upstart telecommunications

companies who have provided consumers with alternatives. Additionally, the bill will make it impossible for the FCC and states to regulate costs and customer service standards, which could send prices skyrocketing and leave consumers with no recourse for substandard service. Given our recent experiences with deregulation of essential consumer services, it seems foolish to believe that further deregulation of the telecommunications industry is the answer for rural America.

Over the past few years, the Bell Companies have developed a shockingly poor record of customer service. In order to spur competition, the 1996 Act requires the Bell Companies to allow Competitive Local Exchange Carriers (CLECs) access to their lines when consumers choose to do business with CLECs rather than a Bell. The Bells frequently refuse to comply with these requests in a timely manner. Since 1996, Bell Companies have paid over \$2 billion in fines. They clearly believe it is to their advantage to pay penalties for violations of the 1996 Act rather than open their markets. Instead of taking steps to aggressively enforce the 1996 Act, Congress has proposed a bill that would eliminate the FCC's and states' ability to regulate costs and protect consumers.

There is no reason to believe that passing H.R. 1542 will speed broadband deployment to rural America. The fact is, the Bell Companies have chosen not to provide even basic services in many of the rural communities they claim will be helped by H.R. 1542. Since they are only required to upgrade infrastructure for communities they already serve, many rural consumers are left out entirely. Another problem is that the broadband service requirement only applies to consumers that live within three miles of a Bell Company central station. Those living outside of a three mile radius are given no guarantees of broadband access at all. Again, rural America is being left out.

As for being shut out of the broadband market, the numbers speak otherwise. BellSouth tripled its DSL customer base in 2001. SBC, Verizon, and Qwest have similarly built and maintained a network of broadband customers. A large majority of Americans already have access to broadband, but very few have chosen to subscribe because of the cost. The FCC has concluded that broadband is being deployed in a reasonable and timely manner. H.R. 1542 is not about offering broadband services. It is about eliminating competition and oversight in the telecommunications industry for the Bell Companies.

The list of organizations opposing H.R. 1542 grows longer every day. The Public Utility Commissions of 31 states, AARP, the Gray Panthers, Consumers Union, the Consumer Federation of America, Americans for Tax Reform, Citizens Against Government Waste, and the National Retail Federation have all opposed the bill. H.R. 1542 will not speed the delivery of broadband to rural America but it will undermine consumer rights nationwide. Americans deserve better.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise to ask unanimous consent that my following statement be placed in the RECORD as read on the rule for H.R. 1542.

I rise in opposition to the rule for H.R. 1542, the Internet Freedom and Broadband Deployment Act.

There were 30 amendments offered to the Rules Committee by those looking to improve

the bill to ensure competition and increase the availability of broadband. This rule does not give a voice to the concerns my colleagues and I have with this bill to address open access, state authority, and a multitude of other issues.

No matter what your opinion is on H.R. 1542, this bill deserves a fair process. By using the second degree amendment procedure, the rule could prevent those of us wishing to offer a substantive revision to the bill from doing so. The Cannon-Conyers amendment is critical to ensuring that a monopoly does not take over the DSL marketplace, resulting in high prices and poor service.

The Cannon-Conyers amendment contains a line sharing provision similar to one that failed on a 27-27 tie during the Committee mark up. At the very least, this controversial condition deserves the opportunity for debate by the entire House.

The Buyer-Towns amendment is not an acceptable substitute for Cannon-Conyers. This amendment is not a real compromise because it does not guarantee wholesale pricing for leased lines, nor does it guarantee that competitors have access to the existing Bell network.

Language that ensures fair competition must be inserted into this bill. Even with the current competitive market, I have been told stories of how local Bell companies often postpone the installation of local service if the customer chooses a competitor's long distance service. If H.R. 1542 becomes law, these types of practices will be allowed to flourish at the expense of consumers.

On September 11, we learned the necessity of having more than one phone company in a community, as competitors kept the lines of communication open between New York, Washington, DC, and the rest of the world.

I urge my colleagues to join me in opposing the rule. It is not in the best interest for the people.

Mr. DAVIS of Florida. Mr. Chairman, I rise today in opposition to H.R. 1542, the Tauzin-Dingell Broadband Deployment Act, which proposes major changes to the Telecommunications Act of 1996. This bill would allow the former regional Bell telephone companies (RBOC's) to provide high speed, broadband Internet access without having to allow reasonable access to their networks to competing providers willing to pay for access.

The Telecommunications Act of 1996 has been instrumental in introducing competition among providers of high-speed, broadband technologies like digital subscriber lines (DSL). These competitive developments have increased access to the Internet and its wealth of information while lowering prices for retailers and consumers alike. On the assumption that this competition was developing, many States, including Florida, my home, have repealed regulation of many aspects of the telecommunication industry. In 1995, as a State Representative, I strongly supported this deregulation based on my belief, then and now, that competition and choice was a far superior form of protection for consumers than the old system of regulation and monopoly service. However, many consumers still remain at an economic disadvantage because the RBOC's do not offer DSL service at all or offer it at an affordable rate, and potentially competing providers do not have reasonable access to the RBOC networks.

H.R. 1542 would remove significant incentives for the RBOC's to open their markets to local competition by allowing them to provide broadband services without having to first demonstrate that their local telephone markets have been opened to competition. The further effect of this bill, should it become law, would be to constrain the ability of State and local governments to take steps to reasonably protect consumers' access to telecommunication service through competition or regulation.

I believe that this bill would stifle any hope for free and open competition and if it were to become law, consumers would see less competitive choice when it comes to their Internet access. H.R. 1542 is bad for consumers and it is for this reason that I urge my colleagues to vote no.

Mr. UDALL of Colorado. Mr. Chairman, after careful consideration I have decided that I cannot support this bill.

The stated goal of the bill is to promote growth and development in high-speed (broadband) data services offered by regional Bell operating companies such as SBC, Verizon, BellSouth, and Qwest. The bill seeks to achieve this by relaxing requirements placed on the Bells in the 1996 Telecommunications Act.

What we need is competition to drive prices down and give consumers more choices. However, I am not convinced the bill would achieve these goals, and am concerned that it might have the opposite effect.

I do believe the bill is well intentioned and is intended to respond to a real need. I agree with the bill's sponsors that the expansion and use of broadband services is vital to our economic growth. But Colorado's consumer groups, state and local government officials, small telecommunications firms, and residents in rural and underserved areas in Colorado tell me that they think this bill will consolidate the Bell companies' monopoly and result in increased prices for consumers. I give great weight to the views of those Coloradans.

Today in Colorado small telecommunications companies are working hard to play by rules that Congress passed in a bipartisan fashion in 1996. And our regional Bell company, Qwest, is doing the same thing because it has hopes to enter the long distance market soon. In short, in Colorado the current system seems to be working, and I am not prepared to vote to attempt to fix something that I am not convinced is broken.

Mr. BLUMENAUER. Mr. Chairman, today's bill contains language that eliminates important provisions of the 1996 Telecommunications Act that were intended to open telecommunications markets to competition. The legislation allows Bell telephone companies to enter the long-distance Internet data market without first opening their local markets to competition. It also deregulates high-speed Internet services known as broadband and is opposed by consumer protection groups and 31 State Public Utility Commissions, including our own commission in Oregon.

I am concerned that this deregulation could severely hurt consumers by limiting remedies for people with complaints about their telecommunications services, especially in situations where consumers have been provided poor service or unusually high rates. In Oregon, for example, citizens can currently take their DSL or broadband Internet complaints to the Oregon Public Utility Commission. How-

ever, the PUC lacks authority to do anything about these complaints. This legislation would exacerbate the problem by further undercutting the authority of the State to address DSL complaints or declining service quality issues and by removing existing protections for customer service.

This bill will also increase rates for consumers because without the benefits of a truly competitive telecommunications sector, consumers and small businesses will have fewer choices and will pay higher prices for telecommunications service. Unregulated telephone monopolies, such as those created by this bill, cannot be expected to lower prices or innovate. In fact, as competitive DSL providers began to struggle financially last year, the Bell monopolies raised their DSL prices by 20 to 30 percent. There are also concerns that because this bill threatens state oversight of voice services that it could potentially raise local phone rates. The best way to promote lower prices and greater access is by ensuring a robustly competitive market.

Furthermore, this bill will not bring broadband to rural areas, as the proponents of this bill have argued. While today's bill requires some broadband expansion, it contains substantial loopholes and lacks real meaning for rural and underserved areas. Rural homes would continue to be dependent upon cable, satellite or wireless broadband—as they are now. Making matters worse, the Bells do not even serve many of the rural areas they ostensibly claim the bill will help.

Additionally, contrary to some arguments, it appears the deployment of broadband has been severely hindered by the Bell companies themselves. The Bells failed to deploy high-speed technology such as DSL for nearly a decade and it was not until competition was injected into the marketplace after enactment of the 1996 law that the Bells offered DSL, and then just in limited markets at high prices. I urge my colleagues to promote competition, protect consumers and vote against this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am in opposition to H.R. 1542. This legislation extends the power of the Bell monopolies which the Telecommunications Act of 1996 sought to curb. I am particularly concerned about the negative effects this legislation will have on small businesses in my district if the bill passes. In the past couple of years, a number of Competitive Local Exchange Carriers have begun to provide high-speed data access in my district. If Tauzin-Dingle passes, these small carriers will be priced out of the market and hundreds of small businesses will lose a competitive choice in their data provider. This bill does nothing to lower data service rates, and it is bad policy. I urge my colleagues to vote "no" on final passage of H.R. 1542. Services will not be cheaper for consumers.

Presently it cost me \$20 more per month in Texas than I pay in Virginia for the same services.

Mr. KIND. Mr. Chairman, I rise in support of the Tauzin-Dingell Internet Broadband Deployment Act.

Rural communities were the last to get paved roads, the last to get electricity, the last to get voice telephone service, and the last to get cable television. Right now the information superhighway is bypassing rural America, leaving it behind in the new economy. Rural Americans do not want to be the last to expe-

rience the economic, education, and cultural benefits of Internet broadband technology.

Mr. Chairman, Tauzin-Dingell will directly benefit the citizens of my district. Passage of this bill will guarantee high-speed access to almost 90,000 people and over 5,000 businesses in the third Congressional district of Wisconsin alone.

The ability of educational institutions, especially in rural areas, to explore all the possibilities the Internet offers depends largely on the availability of broadband technology. With high speed access to the internet, schools will have the ability to supplement classroom teaching in ways currently not available, and to bring cyber-classrooms to everyone, regardless of their physical location.

The Internet is just beginning to deliver on the Promise of education on demand. This will be a powerful tool to education not only those traditional students who would like flexibility in their class choices, but it also has the power to offer the highest caliber education to anyone with high speed access to the Internet. Rural students shouldn't have to wait any longer for the tools to succeed in the digital age.

Tauzin-Dingell will also bring broadband access to over 60 doctor offices and clinics as well as three additional hospitals in my district. With broadband, rural Americans will be able to have a medical specialist diagnose their illness over the Internet, instead of having to drive long distances to a faraway hospital. Rural hospitals could become virtual teaching hospitals with the deployment of broadband technology.

It's time for Congress to bring broadband Internet access to all Americans. Support Tauzin-Dingell.

Mr. RYAN of Wisconsin. Mr. Chairman, I come to the floor today in support of H.R. 1542 because it will set forth for the first time a national policy that promotes the deployment of broadband technology to all Americans. The passage of H.R. 1542 will create a technology-neutral regulatory policy that will encourage all companies to invest in the deployment of the "last mile" broadband facilities that will provide the average American with access to high-speed Internet services. This deployment of "last mile" broadband facilities is critical to future economic growth in the United States.

Not only will H.R. 1542 provide a much needed lift to the American economy as a whole, but it will for the first time, provide a genuine promise to Americans living in underserved communities, both in our inner cities and in rural areas, that they will not be left behind as we move to the next generation of the Internet. High-speed data services have the capability to enfranchise and empower millions of Americans. H.R. 1542 has express build-out provisions that require the large telephone companies to upgrade all of their central offices to provide high-speed Internet capability within 5 years.

This is the kind of legislation Congress should be producing. It is bipartisan. It is carefully crafted. It lifts all Americans.

Vote "yes" on H.R. 1542.

Mr. Chairman, I also would like to ask unanimous consent to insert an article into the RECORD written by Mr. Stephen Moore in The Investors Business Daily.

GOT STIMULUS? BROADBAND BILL WOULD BEEF UP FRAIL ECONOMY

With Congress stalemated on a tax-cut economic stimulus plan and the White House

considering approval of a dreadful protectionist steel bill, the jittery financial markets are seeking any positive signs that Washington will take productive action to help jump-start economic growth. No industry needs more intelligent help than the embattled telecommunications sector, where profits and investment spending have vaporized.

That's why a vote in Congress this week on deregulation of the broadband infrastructure carries such heavy significance for the economy as a whole, and this industry in particular. If approved, the Tauzin-Dingell bill has the potential over the next decade to bring high-speed Web service to nearly every U.S. home.

Broadband service is the Mach 4-speed Internet technology that will bring to Americans the next generation of Web services. It could transform the Web from a device for exchanging e-mail and checking stock quotes into a tool that will link all businesses in an e-commerce Web, let users quickly download video or music on demand and give rise to products and applications we can only dream of today.

Economist Robert Crandall of the Brookings Institution, and a top deregulation scholar, calculates that if we can accelerate broadband deployment, the value to the U.S. economy could reach \$500 billion a year. That's more than the entire economies of most nations.

Very few actions that Congress could take—short of scrapping the income tax for a consumption tax or privatizing Social Security—could deliver those size benefits to workers and consumers. Broadband deregulation would seem to be a no-brainer. But this issue has become the mother of all political brawls, pitting AT&T against the Baby Bells, including Verizon and BellSouth. Both sides have spent tens of millions on lobbying and fatuous TV ads. The truth is, there's no angel in this fight.

The good news is that if Congress shows some common sense, there can be clear-cut winners here—American consumers and businesses, tens of millions of whom lack broadband access simply because of a regulatory regime that prevents access to the infrastructure. Almost eight of 10 homes and businesses still use clunky dial-up technology to access the Web. Broadband technology is more than a decade old, and still is a rarity in most areas. This makes no sense. It's as if we're still watching black-and-white TV. A hallmark of the U.S. era of high-tech innovation has been to spread the technological breakthroughs to the great middle class in short order.

Why the still-lingering digital divide between the information haves and have-nots? Because outdated government regulation is stifling the private-sector investment needed to build the network.

Technology analyst George Gilder argues that today's regulation "privatizes the risk and socializes the benefit." Here's how it works: When a phone company risks its own money to wire homes and businesses to broadband, the federal government forces it to open its network to competitors at money-losing, government-set rates. This prevents the original investors from capturing the full value of the risk-taking expenditure.

A predictable result has been the collapse in telecom investment over the past 18 months. In 2001, telecom investment contracted by \$75 billion, a 15 percent decline. That's one of the biggest reasons the industry shed over 317,000 jobs last year—the largest job loss for any industry ever recorded in a single year. By some estimates, it will cost telecom companies some \$200 billion of added broadband investment to lay down the cables

to bring this technology into most homes and businesses. How can this investment be accelerated? One answer is for Congress to let businesses write off their mega-investments the year they're made. It also must create a fair-minded regulatory structure that allows those firms that make the investments to reap financial rewards. This means eliminating free-riding competitor access without fair payment.

Tauzin-Dingell may be the best chance to close the digital divide and ensure that the U.S. maintains its commanding competitive edge in global communications into the future. It might also be the only chance Congress has this year to pass a genuine economic stimulus bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to H.R. 1542 and urge my colleagues to support the Cannon-Conyers amendment which ensures fair competition and consumer protection.

Proponents who have visited with me have claimed that the Bell's hands, including Qwest, are tied when it comes to the deployment of broadband to rural and urban places. That's not necessarily true in my state or my rural district.

In fact, currently, Qwest Communications is not precluded from offering broadband services to its customers. The N.M. State Public Regulation Commission in 2001 approved an Alternative Form of Regulation agreement, which requires Qwest to provide high-speed data services to both urban and rural areas.

H.R. 1542 as written will not improve access to services in New Mexico and could possibly hurt the Bell Operating Companies' incentive to open their markets to competition as required in the Telecommunications Act of 1996.

Without this needed amendment—H.R. 1542 will reward the bad behavior of these telephone companies who have done very little to encourage the development of competition or the deployment of broadband. We shouldn't reward them now with the passage of H.R. 1542 without the safeguards of Cannon-Conyers.

Preserving a competitive marketplace is the best way to spur affordable broadband deployment in urban, suburban, and rural communities like the ones I represent. Competition, wherever it has occurred, in the telecommunication and other industry markets, has virtually always brought about better service, greater investment, more options, and lower prices for consumers.

Support the Cannon-Conyers Amendment which will preserve competition, protect state authority, and safeguard consumers.

Mr. STUPAK. Mr. Chairman, it seems like the rural areas always come last. I guess I should be used to it by now, after all, many of my constituents in northern Michigan can't get mail service to their doorsteps, our veterans have to travel on average 6 hours to get specialized healthcare from a VA center, and it required a federal law merely to get electricity to many portions of my district.

I am therefore not surprised that rural areas are the last to get broadband as well. But let me be clear—this bill will do nothing to bring broadband to rural America. In fact, quite the opposite, H.R. 1542 will make it even more difficult for my constituents and for rural citizens across America to get broadband.

H.R. 1542 claims to require broadband deployment to rural areas by laying out a 5 year timetable, with a schedule of 20 percent, 40 percent, and 70 percent buildout in the first 3

years. In fact, this will allow the Bells to sit on their current deployment for years.

BellSouth told investors that as of year-end 2001, it already provides broadband access to 70 percent of its market; Verizon said it deploys DSL to central offices serving 79 percent of the company's access lines; and SBC said that it can provide high-speed service to more than 60 percent of its customers.

The Bells will get the benefits of monopoly and deregulation without any responsibilities to deploy for years. And once the requirements for them to deploy do finally take effect, the Bells will be wholly unregulated in the amounts they can charge, or they can in fact evade all requirements to deploy to rural areas by selling off their rural exchanges.

I would like to point my colleagues to a study done last July by the Rural Policy Research Institute (RUPRI) of H.R. 1542. This nonpartisan report found that the 5 year deployment schedule in H.R. 1542 is insufficient, noting that:

"... this provision does not guarantee service to regions beyond three miles of a central office and could still leave substantial portions of the rural market without broadband capabilities."

Furthermore, RUPRI found that rural subscribers are frequently served by remote terminals, and that in locking competitors out of the Bell's remote terminals, H.R. 1542 reduces competition for customers served by remote terminals. Lastly, the study notes that H.R. 1542 does nothing to affect the affordability of broadband.

Let me put it simply: if you don't live within 3 miles of a central office, under this bill the Bells are not going to have to deploy to you for years, competitors are going to be shut out from getting to you, and when, if ever, the Bells do decide to deploy to you, they can charge whatever they want. In short, broadband will be either physically unavailable to rural customers, or economically unavailable to them. This bill will not bring broadband to rural America and I urge my colleagues to vote no on this bill.

Mr. BISHOP. Mr. Chairman, I support this bill for many reasons, but here I will list the four reasons:

1. H.R. 1542 improves Access for Rural Customers (I represent a district in rural South Georgia) this aspect of the bill is most important to my constituents.

This bill will provide unprecedented service to rural communities. It contains a deployment schedule that requires the Bells to offer high-speed data service throughout their region and not only select lucrative areas, like their competitors do today. Specifically it:

Requires the Bells to build out their central offices with multiplexing equipment and upgrade each upgradeable loop (less than three miles) when requested by a customer; or

Requires the Bells to serve each customer (regardless of upgradeability or loop length) with alternative technology.

Taken together, this means that 100 percent of the Bell's customers must be offered high-speed data service by the end of five years. Without passage of H.R. 1542, these areas will have to wait a long time before they are served, if ever, because these geographic areas make the least business sense for companies to penetrate.

2. The bill provides Consumers with Lower Prices, More Choices.

The rules for competing high-speed Internet companies are stifling competition. As a consequence, cable companies which are unfettered by regulations, have about 70 percent of residential high-speed Internet connections. Fair competition for all high-speed Internet services will mean lower costs, more choices and more access for consumers. This bill would provide that kind of fair competition.

3. It restores Fairness to the Marketplace.

Companies that offer high-speed Internet access over cable lines, wireless connections or satellite links are allowed to develop new services and compete without regulation. Disparities in regulation hurt competition. A level playing field would guarantee competition and encourage expansion of new networks.

4. Boosts the Economy—this is another aspect of the bill that is crucially important to our nation specifically at this time.

The bill allows local phone companies to provide affordable high-speed Internet access. This will benefit consumers by providing more consumers and small businesses with high speed Internet access. In addition, because more services will be deployed to more homes, equipment manufacturers and vendors will also likely enjoy growth in their business as well. This all amounts to lower prices, more choices, more jobs, and economic growth.

I close, Mr. Chairman in encouraging my colleagues to vote for this bill, and help our economy and our rural constituents.

Ms. DEGETTE. Mr. Chairman, I want to take just a few minutes to address a couple of issues that are critical to this debate. The district I represent, the Denver metro area, has become one of the latest telecommunications hubs in the country, and I want to talk about the sort of competition that exists back home, which is due in large part to the Telecom Act of '96.

We have an enormous number of telecommunications companies out in Colorado, from cable companies, those who provide DSL, satellite companies, a vast array of Competitive Local Exchange Company's (CLECs). So we have a pretty good representation of the sort of services that are available, and we also have some of the problems that exist across the country, like a lack of services in the more rural areas of the state, and a dearth of competition for local phone service.

Clearly the goal of any telecommunications legislation should be to accelerate the deployment of broadband services to all consumers. As policymakers, we are charged with doing our part to facilitate the most competitive marketplaces that in turn provide the best services and prices available.

We need to do so in a way that is technology and industry neutral. I deeply fear that this bill will not only not accomplish this, but will actually benefit certain sectors of the industry and seriously harm others. This bill will result in the sluggish development and deployment of future advanced technologies.

For example, the CLECs in my district, which have been heavily hit by the recent bumps in the economy, would be in serious trouble if this bill passed. This is not only because of the policy changes mandated by this bill, the details of which we will undoubtedly discuss ad nauseum in the next couple of hours, but also because the capital that has allowed these companies to build up their networks will simply disappear.

I do not think this bill is necessary, and I will use the example of Qwest, located in my dis-

trict to illustrate this. Qwest is currently in the process of getting back into long distance service after its merge with US West. It will file its first state application this summer and then file for its remaining thirteen states so it can obtain long distance authority for its entire region before the end of the year. I am quite optimistic that they will be successful in complying with the checklist, whether or not this bill passes, and move on to provide my constituents, along with the rest of consumers in their region, great service.

The most diverse array of technologies and services is what will best serve consumers, and I do not think H.R. 1542 will facilitate competition or an even-handed promotion of wide-ranging technologies that exist or are currently developing.

Why now are we now poised to undercut legislation that has brought the marketplace so far along over the past few years? This is not to say that everything has worked out exactly as envisioned, but the '96 Act accomplished some very important goals, and the fact is that things are still shaking out.

I have grave concerns that enactment of H.R. 1542 may adversely impact competition for local telephone service. As currently drafted, the legislation puts at risk the line-sharing requirements that allow competitors into the local exchange market. Absent these requirements it is unlikely that a truly competitive marketplace will continue to develop. Rather we would likely see market consolidation and the attendant increased rates.

In my final analysis of this issue, I have concluded there is nothing in the 1996 Act that prohibits the RBOCs from providing broadband services to the customers that they now serve. In fact, they are doing so today, competing with other providers and satisfying customers the needs of consumers for high-speed Internet access.

The bottom line is that competition is the best incentive for broadband deployment. DSL and other technologies have been around for years. The local exchanges really only began stepping up their roll-outs and lowering their prices in response to the emerging competition from the CLECs, cable companies, wireless and satellite providers.

It cannot be said enough, and indeed, I don't think it has been said enough that we are obligated to pass, or not pass, a legislation that will most benefit consumers. Not bills that will only help certain companies, or particular technologies, but that will, as I said before, create the most diverse and competitive marketplace for our constituents.

Mr. MEEKS of New York. Mr. Chairman, I rise this morning in support of H.R. 1542—the Tauzin-Dingell Broadband Deployment Act. If you believe in competition vote for this bill. As Members of Congress, we have the responsibility and opportunity to bring increased choices for our constituents.

H.R. 1542 promotes fair competition for high-speed internet services which will mean lower prices, more choices and greater access for consumers. Fair competition will bring high-speed internet services to communities that cannot get them—inner cities, small towns and rural areas.

In order to ensure real competition, all companies that provide high-speed access to the internet should face the same rules and regulations. Cable, wireless, satellite and companies that all provide competing high-speed

internet services should all be governed by the same rules. When all companies must compete under the same rules, consumers will benefit—from increased choices, lower prices and a stronger economy.

Meanwhile, this bill represents an opportunity to not only help our sagging economy but also to cure an ill that continues to plague our country—the digital divide. The Internet, probably nothing in recent memory has done so much so quickly to change the way we work, learn and live. Think about it: It took 38 years for the radio to get to 50 million American homes . . . and 12 years for TV. The WEB got there in four. And with it have come education, entertainment and economic opportunities like never before.

And today, with the help of a new generation of communications technologies, what used to be the “world wide wait” is rapidly becoming a new, wide-open window onto the world. H.R. 1542 will move along that progress more quickly and help so many who have no access or limited access to the kind of internet services they should expect and deserve.

That is why I urge all my colleagues to vote “no” on the Cannon-Conyers amendment, vote “no” on the motion to recommit, and vote “yes” on final passage. A “yes” vote for Tauzin-Dingell is a vote for consumers, choice and competition.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 107-361 is adopted.

The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended pursuant to House Resolution 340, is as follows:

H.R. 1542

SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet Freedom and Broadband Deployment Act of 2001”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Internet access services are inherently interstate and international in nature, and should therefore not be subject to regulation by the States.

(2) The imposition of regulations by the Federal Communications Commission and the States has impeded the rapid delivery of high speed Internet access services and Internet backbone services to the public, thereby reducing consumer choice and welfare.

(3) The Telecommunications Act of 1996 represented a careful balance between the need to open up local telecommunications markets to competition and the need to increase competition in the provision of interLATA voice telecommunications services.

(4) In enacting the prohibition on Bell operating company provision of interLATA services, Congress recognized that certain telecommunications services have characteristics that render them incompatible with the prohibition on Bell operating company

provision of interLATA services, and exempted such services from the interLATA prohibition.

(5) High speed data services and Internet backbone services constitute unique markets that are likewise incompatible with the prohibition on Bell operating company provision of interLATA services.

(6) Since the enactment of the Telecommunications Act of 1996, the Federal Communications Commission has construed the prohibition on Bell operating company provision of interLATA services in a manner that has impeded the development of advanced telecommunications services, thereby limiting consumer choice and welfare.

(7) Internet users should have choice among competing Internet service providers.

(8) Internet service providers should have the right to interconnect with high speed data networks in order to provide service to Internet users.

(b) PURPOSES.—It is therefore the purpose of this Act to provide market incentives for the rapid delivery of advanced telecommunications services—

(1) by deregulating high speed data services, Internet backbone services, and Internet access services;

(2) by clarifying that the prohibition on Bell operating company provision of interLATA services does not extend to the provision of high speed data services and Internet backbone services;

(3) by ensuring that consumers can choose among competing Internet service providers; and

(4) by ensuring that Internet service providers can interconnect with competitive high speed data networks in order to provide Internet access service to the public.

SEC. 3. DEFINITIONS.

(a) AMENDMENTS.—Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraph (20) as paragraph (21);

(2) by redesignating paragraphs (21) through (52) as paragraphs (26) through (57), respectively;

(3) by inserting after paragraph (19) the following new paragraph:

“(20) HIGH SPEED DATA SERVICE.—The term ‘high speed data service’ means any service that consists of or includes the offering of a capability to transmit, using a packet-switched or successor technology, information at a rate that is generally not less than 384 kilobits per second in at least one direction. Such term does not include special access service offered through dedicated transport links between a customer’s premises and an interexchange carrier’s switch or point of presence.”;

(4) by inserting after paragraph (21) the following new paragraphs:

“(22) INTERNET.—The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

“(23) INTERNET ACCESS SERVICE.—The term ‘Internet access service’ means a service that combines computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services.

“(24) INTERNET BACKBONE.—The term ‘Internet backbone’ means a network that carries Internet traffic over high-capacity long-haul transmission facilities and that is interconnected with other such networks via private peering relationships.

“(25) INTERNET BACKBONE SERVICE.—The term ‘Internet backbone service’ means any interLATA service that consists of or includes the transmission by means of an Internet backbone of any packets, and shall include related local connectivity.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) Section 223(h)(2) of such Act (47 U.S.C. 223(h)(2)) is amended by striking “230(f)(2)” and inserting “230(f)(1)”.

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

“SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

“(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

“(b) SAVINGS PROVISION.—Nothing in this section shall be construed to limit or affect the authority of any State to regulate circuit-switched telephone exchange services, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

“(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

“(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission’s regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

“(2) rules issued pursuant to section 254.”.

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

“(j) EXEMPTION.—

“(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

“(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, neither the Commission nor any State shall require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

“(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission’s regulations (47 C.F.R. 51.319), as—

“(i) in effect on January 1, 1999; and

“(ii) subject to subparagraphs (C) and (D), as modified by the Commission’s Line Sharing Order.

“(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

“(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local

exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

“(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

“(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission’s Line Sharing Order in such manner as would expand an incumbent local exchange carrier’s obligation to provide access to any network element for the purpose of line sharing.

“(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission’s authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

“(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a non-discriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

“(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the ‘Commission’s Line Sharing Order’ means the Third Report and Order in CC Docket No. 98-147 and the Fourth Report and Order in CC Docket 96-98 (FCC 99-355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01-26); and

“(B) the term ‘remote terminal’ means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.”.

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

SEC. 5. INTERNET CONSUMERS FREEDOM OF CHOICE.

Part I of title II of the Communications Act of 1934, as amended by section 4, is amended by adding at the end the following new section:

“SEC. 233. INTERNET CONSUMERS FREEDOM OF CHOICE.

“(a) PURPOSE.—It is the purpose of this section to ensure that Internet users have freedom of choice of Internet service provider.

“(b) OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS.—Each incumbent local exchange carrier has the duty to provide—

“(1) Internet users with the ability to subscribe to and have access to any Internet service provider that interconnects with such carrier's high speed data service;

“(2) any Internet service provider with the right to acquire the facilities and services necessary to interconnect with such carrier's high speed data service for the provision of Internet access service;

“(3) any Internet service provider with the ability to collocate equipment in accordance with the provisions of section 251, to the extent necessary to achieve the objectives of paragraphs (1) and (2) of this subsection; and

“(4) any provider of high speed data services, Internet backbone service, or Internet access service with special access for the provision of Internet access service within a period no longer than the period in which such incumbent local exchange carrier provides special access to itself or any affiliate for the provision of such service.

“(c) DEFINITIONS.—As used in this section—

“(1) INTERNET SERVICE PROVIDER.—The term ‘Internet service provider’ means any provider of Internet access service.

“(2) INCUMBENT LOCAL EXCHANGE CARRIER.—The term ‘incumbent local exchange carrier’ has the same meaning as provided in section 251(h).

“(3) SPECIAL ACCESS SERVICE.—The term ‘special access service’ means the provision of dedicated transport links between a customer's premises and the switch or point of presence of a high speed data service provider, Internet backbone service provider, or Internet service provider.”.

SEC. 6. INCIDENTAL INTERLATA PROVISION OF HIGH SPEED DATA AND INTERNET BACKBONE SERVICES.

(a) INCIDENTAL INTERLATA SERVICE PERMITTED.—Section 271(g) of the Communications Act of 1934 (47 U.S.C. 271(g)) is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; or”; and

(3) by adding at the end thereof the following new paragraph:

“(7) of high speed data service or Internet backbone service.”.

(b) PROHIBITION ON PROVISION OF VOICE TELEPHONE SERVICES.—Section 271 of such Act is amended by adding at the end thereof the following new subsection:

“(k) PROHIBITION ON PROVISION OF VOICE TELEPHONE SERVICES.—Until the date on which a Bell operating company is authorized to offer interLATA services originating in an in-region State in accordance with the provisions of this section, such Bell operating company offering any high speed data service or Internet backbone service pursuant to the provisions of paragraph (7) of subsection (g) may not, in such in-region State provide interLATA voice telecommunications service, regardless of whether there is a charge for such service, by means of the

high speed data service or Internet backbone service provided by such company.”.

(c) NOTICE TO ATTORNEY GENERAL.—Section 271 of such Act is further amended by adding at the end the following new subsection:

“(l) NOTICE TO ATTORNEY GENERAL.—

“(1) STATEMENT REQUIRED.—Not less than 30 days before commencing to offer any interLATA high speed data service or Internet backbone service originating in an in-region State pursuant to paragraph (7) of subsection (g), a Bell operating company shall submit to the Attorney General a statement that

“(A) expresses the intention to commence providing such service in such State;

“(B) provides a description of the service to be offered; and

“(C) identifies the geographic region within the State in which the service will be offered, if the service is not going to be offered Statewide.

“(2) ADDITIONAL CONTENTS PROHIBITED.—The Attorney General may not require a statement under this subsection to contain any additional information other than that specified in subparagraph (A), (B), and (C) of paragraph (1).

“(3) CONFIDENTIAL TREATMENT OF STATEMENTS.—A statement submitted to the Attorney General under this subsection shall be exempt from disclosure under section 552 of title 5, United States Code, and no such statement may be made public, except as may be relevant to any administrative or judicial action or proceeding.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 272(a)(2)(B)(i) of such Act is amended to read as follows:

“(i) incidental interLATA services described in paragraphs (1), (2), (3), (5), (6), and (7) of section 271(g);”.

(2) Section 272(a)(2)(C) of such Act is repealed.

SEC. 7. DEPLOYMENT OF BROADBAND SERVICES.

Part III of title II of the Communications Act of 1934 is amended by inserting after section 276 (47 U.S.C. 276) the following new section:

“SEC. 277. DEPLOYMENT OF BROADBAND SERVICES.

“(a) DEPLOYMENT REQUIRED.—Each Bell operating company and its affiliates shall deploy high speed data services in each State in which such company or affiliate is an incumbent local exchange carrier (as such term is defined in section 251(h)) in accordance with the requirements of this section.

“(b) DEPLOYMENT REQUIREMENTS.—

“(1) MILEPOSTS FOR DEPLOYMENT.—A Bell operating company or its affiliate shall deploy high speed data services by attaining high speed data capability in its central offices in each State to which subsection (a) applies. Such company or affiliate shall attain such capability in accordance with the following schedule:

“(A) Within one year after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 20 percent of such central offices in such State.

“(B) Within 2 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 40 percent of such central offices in such State.

“(C) Within 3 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 70 percent of such central offices in such State.

“(D) Within 5 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 100 percent of such central offices in such State.

“(2) HIGH SPEED DATA CAPABILITY.—For purposes of paragraph (1), a central office shall be considered to have attained high speed capability if—

“(A)(i) such central office is equipped with high speed data multiplexing capability; and

“(ii) each upgradeable customer loop that originates or terminates in such central office is upgraded promptly upon receipt of a customer request for such upgrading, as necessary to permit transmission of high speed data service (including any conditioning of the loop);

“(B) each customer served by such central office (without regard to the upgradeability or length of the customer's loop) is able to obtain the provision of high speed data service from such Bell operating company or its affiliate by means of an alternative technology that does not involve the use of the customer's loop; or

“(C) each such customer is able to obtain the provision of high speed data service by one or the other of the means described in subparagraphs (A) and (B).

“(3) UPGRADEABLE LOOPS.—For purposes of paragraph (2), a customer loop is upgradeable if—

“(A) such loop is less than 15,000 feet in length (from the central office to the customer's premises along the line); and

“(B) such loop can, with or without conditioning, transmit high speed data services without such transmission on such loop causing significant degradation of voice service.

“(C) AVAILABILITY OF REMEDIES.—

“(1) FORFEITURE PENALTIES.—A Bell operating company or its affiliate that fails to comply with this section shall be subject to the penalties provided in section 503(b)(2). In determining whether to impose a forfeiture penalty, and in determining the amount of any forfeiture penalty under section 503(b)(2)(D), the Commission shall take into consideration the extent to which the requirements of this section are technically infeasible.

“(2) JURISDICTION.—The Commission shall have exclusive jurisdiction to enforce the requirements of this section, except that any State commission may file a complaint with the Commission seeking the imposition of penalties as provided in paragraph (1).

“(D) ANNUAL REPORT ON DEPLOYMENT.—

“(1) ANALYSIS REQUIRED.—The Commission shall include in each of its annual reports submitted no more than 18 months after the date of enactment of this section an analysis of the deployment of high speed data service to underserved areas. Such report shall include—

“(A) a statistical analysis of the extent to which high speed data service has been deployed to central offices and customer loops, or is available using different technologies, as compared with the extent of such deployment and availability prior to such date and in prior reports under this subsection;

“(B) a breakdown of the delivery of high speed data service by type of technology and class or category of provider;

“(C) an identification of impediments to such deployment and availability, and developments in overcoming such impediments during the intervening period between such reports; and

“(D) recommendations of the Commission, after consultation with the National Telecommunications and Information Administration, for further extending such deployment and availability and overcoming such impediments.

“(2) DEFINITION OF UNDERSERVED AREA.—For purposes of paragraph (1), the term ‘underserved areas’ means areas that—

“(A) are high cost areas that are eligible for services under subpart D of part 54 of the

Commission's regulations (47 C.F.R. 54.301 et seq.); or

“(B) are within or comprised of any census tract—

“(i) the poverty level of which is at least 30 percent (based on the most recent census data); or

“(ii) the median family income of which does not exceed—

“(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income; and

“(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

“(3) DESIGNATION OF CENSUS TRACTS.—The Commission shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraph (2)(B).”.

SEC. 8. COMMISSION AUTHORIZED TO PRESCRIBE JUST AND REASONABLE CHARGES.

The Federal Communications Commission may impose penalties under section 503 of the Communications Act of 1934 not to exceed \$1,000,000 for any violation of provisions contained in, or amended by, section 5, 6, or 7 (or any combination thereof) of this Act. Each distinct violation shall be a separate offense, and in the case of a continuing violation, each day shall be deemed a separate offense, except that the amount assessed for any continuing violation shall not exceed a total of \$10,000,000 for any single act or failure to act described in section 5, 6, or 7 (or any combination thereof) of this Act.

SEC. 9. CLARIFICATION OF CONTINUING OPERATION OF ANTITRUST LAWS.

Section 601(b) of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 143) is amended by adding at the end the following new paragraph:

“(4) CONTINUING OPERATION OF THE ANTITRUST LAWS.—Paragraph (1) shall be interpreted to mean that the antitrust laws are—

“(A) not repealed by,

“(B) not precluded by,

“(C) not diminished by, and

“(D) not incompatible with,

the Communications Act of 1934, this Act, or any law amended by either such Act.”.

The CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Committee will rise informally.

The Speaker pro tempore (Mr. WELDON of Florida) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in

part B of House Report 107-361.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. UPTON:

At the end of the bill, add the following new section:

SEC. 9. COMMON CARRIER ENFORCEMENT.

(a) CEASE AND DESIST AUTHORITY.—Section 501 of the Communications Act of 1934 (47 U.S.C. 501) is amended—

(1) by striking “Any person” and inserting “(a) FINES AND IMPRISONMENT.—Any person”;

(2) by adding at the end the following new subsection:

“(b) CEASE AND DESIST ORDERS.— If, after a hearing, the Commission determines that any common carrier is engaged in an act, matter, or thing prohibited by this Act, or is failing to perform any act, matter, or thing required by this Act, the Commission may order such common carrier to cease or desist from such action or inaction.”.

(b) FORFEITURE PENALTIES.—Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended—

(1) in paragraph (2)(B)—

(A) by striking “exceed \$100,000” and inserting “exceed \$1,000,000”; and

(B) by striking “of \$1,000,000” and inserting “of \$10,000,000”;

(2) in paragraph (2)(C), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”;

(3) by redesignating subparagraphs (C) and (D) of paragraph (2) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

“(C) If a common carrier has violated a cease and desist order or has previously been assessed a forfeiture penalty for a violation of a provision of this Act or of any rule, regulation, or order issued by the Commission, and if the Commission or an administrative law judge determines that such common carrier has willfully violated the same provision, rule, regulation, that this repeated violation has caused harm to competition, and that such common carrier has been assessed a forfeiture penalty under this subsection for such previous violation, the Commission may assess a forfeiture penalty not to exceed \$2,000,000 for each violation or each day of continuing violation; except that the amount of such forfeiture penalty shall not exceed \$20,000,000.”; and

(5) in paragraph (6)(B), by striking “1 year” and inserting “2 years”.

(c) EVALUATION OF IMPACT.—

(1) EVALUATION REQUIRED.—Within one year after the date of enactment of this Act, the Federal Communications Commission shall conduct an evaluation of the impact of the increased remedies available under the amendments made by this section on improving compliance with the requirements of the Communications Act of 1934, and with the rules, regulations, and orders of the Commission thereunder. Such evaluation shall include—

(A) an assessment of the number of enforcement proceedings commenced before and after such date of enactment;

(B) an analysis of any changes in the number, type, seriousness, or repetition of violations; and

(C) an analysis of such other factors as the Commission considers appropriate to evaluate such impact.

(2) REPORT.—Within one year after such date of enactment, the Commission shall submit a report on the evaluation to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Texas (Mr. GREEN) for his use and for him to yield that time to other Members as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the chairman of the Subcommittee on Telecommunications and the Internet, I am very pleased to offer this commonsense, bipartisan enforcement amendment with my good friend and colleague, the gentleman from Texas (Mr. GREEN).

When I became chairman last year, one of the first things I did was to invite the then new chairman of the FCC, Chairman Powell, to appear before the subcommittee to present his vision for that agency. The thing that struck me most was his message that the FCC's current enforcement authority was in fact too weak, and that the FCC's current fines were viewed by many as simply the cost of doing business for many companies.

□ 1415

And I heard that from many competitive carriers as well.

In a letter to Congress last year, Chairman Powell specifically wrote that, among other things, Congress should consider increasing the cap on fines to at least \$10 million in order to enhance their deterrent effect. The current cap, of course, is at \$1.2 million.

Responding to Chairman Powell's recommendation, we are, in fact, offering this bipartisan amendment which will substantially increase the FCC's fines for phone companies which violate the telecommunications law by elevating the current cap from \$1.2 million to \$10 million and increasing the amount up to which the FCC can impose per violation or each day of a continuing violation from \$120,000 to \$1 million. We did exactly what Chairman Powell requested.

In addition, for repeat offenders the amendment doubles the increased fines up to \$2 million per violation or each day of a continuing violation capped at \$20 million.

The amendment also doubles from 1 to 2 years the statute of limitations for the FCC to bring enforcement actions against phone companies, which will give the FCC a better opportunity to thoroughly investigate an alleged violation and bring charges. Chairman Powell also asked for this.

We also give the FCC clear, statutory cease and desist authority to use against phone companies which violate any of the telecommunications laws.

Finally, we direct the FCC to study the impact of the enhanced fines under the bill and report back to us, the Congress, one year after enactment.

The amendment applies to all common carriers. For example, it would affect not only a Bell company's violation of the Telecommunications Act but also a long distance company's slamming as well.

It is important to note that these substantially increased fines would not be the only enforcement mechanisms facing the Bell companies. For example, there is also the existing Section 208 complaint process at which the FCC through which a Bell company could be liable for damages. Moreover, some Bell companies must also pay if they fail to meet performance goals established by the FCC in their merger agreements, that was part of the Rush amendment that we accepted in the committee, not to mention the literally millions of State PUC-enforced performance measures penalties which get assessed as well.

We hope you will support our efforts to greatly enhance the FCC's enforcement authority as we seek to accelerate the deployment of broadband high-speed Internet access to underserved areas in our country through the passage of the underlying bill, H.R. 1542.

I want to thank in particular the gentleman from Florida (Mr. STEARNS), the gentleman from Nebraska (Mr. TERRY), the gentleman from Illinois (Mr. SHIMKUS), and the gentleman from New York (Mr. FOSSELLA), obviously, as well as my co-sponsor, the gentleman from Texas (Mr. GREEN), for their good work on this issue throughout the process. I would urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, has anyone claimed time in opposition to the amendment?

The CHAIRMAN. The Chair does not see any Member rising in opposition.

Mr. TAUZIN. Mr. Chairman, as a supporter I would like to claim that time in opposition that we might use it to discuss the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) claims the time.

Mr. TAUZIN. Mr. Chairman, I yield half of this time to the gentleman from Texas (Mr. GREEN).

The CHAIRMAN. The gentleman from Texas (Mr. GREEN) now has 15 minutes of debate time to control.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman for making sure about the time, because I did not hear anyone claim any time in opposition either.

Mr. Chairman, I rise in strong support of the Upton-Green amendment, and it is an important addition to the Tauzin-Dingell bill. It will give the FCC more teeth to stop bad behavior if America's phone companies are actually doing that.

During the earlier debate we heard some of the horror stories, but this would actually raise the fees so it is no longer just the cost of the doing business. It actually has penalties in it.

Phones companies, if they slam and cram new phone charges to our constituents, will now face stiffer fines if our amendment is adopted.

Bell companies who may be acting in a manner that hurts competition will now face stiffer financial penalties from the FCC.

Working with my good friend, the gentleman from Michigan (Mr. UPTON), our amendment increases the FCC's forfeiture penalty tenfold. Currently, the FCC can only fine a company a total of \$1.2 million per violation. Under the Upton-Green amendment, the FCC will now be able to fine companies up to \$10 million per violation.

In addition, the amendment increases the fines the FCC can impose on continuing violations. Our amendment ups the FCC continuing violation to a cap of \$20 million.

FCC Chairman Michael Powell in a letter to Congress last year asked for this increase. We agree it is justified and reasonable.

Other provisions in the amendment double the statute of limitations for imposing a fine from 1 to 2 years, provides new cease and desist authority to the FCC as well.

Taken as a whole, I believe our amendment is not only a reasonable step but a consumer-oriented step towards better protecting our American consumers.

Phone companies may realize that their efforts to illegally boost profits on the backs of our constituents will no longer be tolerated. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair miscalculated to the gentleman from Texas (Mr. GREEN) earlier about his total debate time, so the Chair will now review the amount of time remaining for each of the three Members controlling debate time.

The gentleman from Michigan (Mr. UPTON) has 6½ minutes, the gentleman from Louisiana (Mr. TAUZIN) has 10 minutes, and the gentleman from Texas (Mr. GREEN) has 18 minutes.

Mr. UPTON. Mr. Chairman, I yield 4 minutes to my friend and colleague,

the gentleman from Florida (Mr. STEARNS), the vice chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today in strong support of the amendment being offered by my good friend, the gentleman from Michigan (Mr. UPTON), and of course my colleague, the gentleman from Texas (Mr. GREEN). I am an original co-sponsor of this legislation which strengthens the FCC's enforcement ability.

As Congress and the FCC ensure the deregulatory progression of telecommunication sectors, proper enforcement mechanisms serve as necessary tools in protecting competition. Winners and losers should be picked by consumers and the marketplace, rather than outdated regulatory schemes. However, it is equally important to note that, absent regulation, meaningful enforcement must serve as one of key principals ensuring that competition and consumers are not harmed.

Mr. Chairman, I have met with industry representatives who tell me the FCC's current cap of \$1 million in penalties is insufficient to deter violation and oftentimes such fines are calculated into the cost of doing business. Furthermore, FCC Chairman Powell testified before the Committee on Energy and Commerce regarding the Commission's ability to deter violations through enforcement mechanisms. In fact, he testified, "The enforcement tools made available to us are inadequate with billion dollar industries. Our fines are trivial. They are the cost of doing business for many of these companies." As a matter of fact, they just make it part of doing business.

During this committee's consideration of H.R. 1542, the Broadband De-regulation Bill, the committee accepted one of my amendments creating specific and severe penalties totalling up to \$10 million for failure to comply with the specific legislation. Furthermore, the gentleman from Michigan (Mr. UPTON) and I offered an amendment enhancing the FCC enforcement authority under Title 5 of the Communications Act. While that amendment was not germane to H.R. 1542, many provisions of that legislation are now present in the amendment we are considering today.

Mr. Chairman, let me state that this amendment bill is not intended to favor ILECs, CLECs or IXCs over one another. The provisions in this bill are intended to equally apply to all common carriers. The FCC and State PUCs have existing laws on the books intended to ensure competitive competition thrives. This legislation will make certain the commission has a big bat, enough to enforce those laws and regulations.

With this legislation, we empower the FCC with enforcement powers, thus

ensuring common carriers will think twice about failing to comply with this Nation's telecommunications laws.

This amendment is centered upon Chairman Powell's recommendation enhancing the Commission's enforcement authority on common carriers. Specifically, this bill, as mentioned, enhances forfeiture penalties up to \$1 million for each violation for each day of a continuing series of violations and up to \$10 million for any continuing violation, and those fines are increased up to \$20 million if a company violates a cease and desist order or is a repeat offender.

Furthermore, as recommended by Chairman Powell, this legislation increases the statute of limitation for forfeiture against common carriers from one year to two.

Lastly, Mr. Chairman, this amendment brings up to date the tools the FCC will have at its disposal to punish and deter bad behavior. The last time the law was changed was in 1989. Furthermore, this amendment ensures that fines and penalties by the FCC are more than just mere calculations as a line item on balance sheets for violating companies. So I urge the adoption of this amendment.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from the Big Apple, New York (Mr. FOSSELLA), a distinguished member of the Committee on Energy and Commerce.

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment as well.

I commend the gentleman from Michigan (Mr. UPTON), the gentleman from Texas (Mr. GREEN), the gentleman from Michigan (Mr. DINGELL), and, of course, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN).

I think the issue in the overall arching legislation comes down to where do we go from here and what is the role of government in deploying broadband across the entire United States; and rather than start here in Washington or in Congress, let us start back in my home town of Staten Island.

We got a call recently from a gentleman who said he does not have access to cable television but would like a DSL line in his home. We called the local Bell, and there is no plans whatsoever to deploy that to his home. So the issue then becomes what to do. Well, nothing as far as he is concerned, unless this legislation were to pass.

We cannot compel the local Bell to deploy broadband. We cannot compel the local cable operator to deploy broadband. What we can do and what I think what this legislation will do will encourage the deployment of broadband and then ultimately mandate it after 5 years. So that gentleman, not unlike more than 90 percent of the people across America, will now have a choice.

Now if I were to visualize it, there is a highway. There is a ramp that goes

on that highway. That highway is the broadband, that highway is access, that highway is just innovation, that highway is access for small business to communicate with other small business or family members to communicate with other family members, not just across Staten Island but across the world. But that access is limited to less than 10 percent of the American people and, by the way, most of whom are affluent.

What we have not done and, unless this legislation is passed, we will not encourage or actually mandate the construction of new ramps to allow more Americans, indeed all Americans, access to this wonderful thing we call the highway of broadband. Now, we can sit here and we can whistle Dixie or we can sing until the cows come home and say we hope for those ramps to be built, but unless this were to be passed that would not happen.

Let us remove the obstacles. Let us encourage the private sector and let competition reign and let the deployment of broadband take hold across the country. Let those ramps be built.

At the same time, what the amendment seeks to do is say and to stipulate to those Bells, for example, that if you violate any of these telecommunications laws you will be penalized and penalized severely. Is that not what it is all about? So it brings it back home for that gentleman that called and said, when am I going to get it?

Unless this bill is passed with this amendment, he may never get it. But if this bill is passed, then we will see broadband being deployed across the United States and America retain its rightful place as the leader in telecommunications and information technology and leave it up to the private sector to make those calls. Right now, that is the case.

Mr. GREEN of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a current member of the Committee on Energy and Commerce.

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Texas (Mr. GREEN) for yielding me time.

Mr. Chairman, I rise in support of this amendment. I strongly support the underlying bill, but we can always make improvements to legislation. Again, this is an example of the proponents of the bill trying to be fair with the legislation, trying to have balanced legislation. That may not be legislation that everyone agrees with 100 percent, but on balance it is good and it is fair and that is what this amendment is trying to do.

Last year we not only installed a new President but a new Chair of the FCC. Michael Powell immediately impressed me when he said violators of telecommunications law, that he wanted the authority to hit them hard and hit them fast. We have that opportunity with this amendment to do just that.

Why should we? The fact is that with any regulation when a fine is imposed

it should be that it acts as a deterrent. But the present fines for violation of telecommunications law are low enough that paying them has been described as simply the cost of doing business.

□ 1430

This amendment changes that. This amendment will increase the fines by a factor of ten. A \$120,000-per-day fine is increased to \$1 million per day. The \$1.2 million cap for a violation is raised to \$10 million for a violation. And for repeat offenders, the new higher limits are double.

This will also expand the time in which the FCC has to bring an enforcement action against a violator from 1 to 2 years. Often we on the Subcommittee on Telecommunications and the Internet have been told that 1 year is just insufficient time for the FCC to properly investigate a potential violation. Again, this is an attempt to make this legislation balanced. It is why all my colleagues should support the underlying Tauzin-Dingell bill, and I urge my colleagues to support this amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Upton enforcement amendment.

This amendment will significantly strengthen the FCC's enforcement of the Telecommunications Act of 1996. Because of this amendment, the FCC will finally be given an enhanced enforcement opportunity, which is critical, which is critical to the ability to mandate compliance to the Tauzin-Dingell bill.

In a recent letter to Congress, FCC Chairman Powell noted that the FCC is limited in levying fines for any single violation to \$1.2 million. And due to the vast resources of many of the Nation's phone companies, this amount is insufficient to punish or deter violators. This amendment would address these concerns and raise the single-violation penalty ten times its current level, capping the penalty at \$10 million.

This reminds me of a recent city I went to and a parking ticket was \$10, but it cost \$20 to park in a parking lot. Where is the incentive? And during the hearings held by Chairman UPTON we learned from several of these companies that there is a disincentive to complying with the current FCC regulations. So I thank the gentleman for introducing this amendment to strengthen these fines and provide the proper incentive to comply.

Another part of this that I think is just as important as the monetary fine is the fact that they can issue orders to cease and desist their conduct of not

complying. This is an extremely important facet of this that we have not heard much discussion about. The FCC needs the ability to not only identify the conduct but order them to stop and apply meaningful fines. By increasing the penalties that the FCC can levy, the more phone companies will comply with the act and will provide services to areas they should be providing now and do not.

I thank Chairman TAUZIN and Chairman UPTON for bringing this to the floor. I am in support of it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me this time, and I rise in strong support of the Upton amendment and the Tauzin-Dingell bill, which is long overdue.

Imagine for a moment running a company, a good company, a high-tech telecom company in this country that has been operating with handcuffs on for a long time, watching employees walk out the door to the tune of about 250,000 employees over the last year because we have been in an economic downturn. Now we are on the upturn again, and this will give it a tremendous boost. But imagine running a company with handcuffs on, where you cannot open the doors to more business, to have more people take advantage of the high-tech opportunities that many of us have had an opportunity to take advantage of so far. That is what we are talking about.

This bill takes off the handcuffs; and instead of having between 8 and 10 percent of the American people and businesses having access to broadband accounts, this will open up the floodgates and allow these great companies, and again let me read a couple of them to see who could be against Disney, who could be against Yahoo and Cisco and Packard and Compaq and Texas Instruments and AOL and Dell and Motorola and Microsoft and Intel and Hewlett Packard, and all of these good companies that have been a large part of our economic boom over the last 10 to 15 years who are suddenly finding themselves with the handcuffs on.

We need to take them off so that we can get these people back to work. And again not only do this for this country but to show the world the tremendous economic power that we have within our own borders to create more jobs for good Americans out there that are just waiting for opportunity.

Those who oppose us are simply saying, no, status quo, let us keep the handcuffs on and try to make it work under the current circumstances. That is absurd. Let us get these handcuffs off American businesses and strongly support this broadband bill. It is long overdue. We should have voted on this a year ago.

I am glad this day has finally come, and I look forward to great success

here this day at the end of this debate, and I look for others in this great city here in Washington to follow this lead that we are involved in here today.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the gentleman from Michigan (Mr. UPTON) is ready to close, and I do not have any more speakers. I guess the amendment is so popular everybody is just going to let it happen, and I am glad to say this makes a good bill even better.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say that one of the complaints about the bill as we originated it is that it took away one of the carrots that would encourage the local Bells to open up their local markets. What the gentlemen are doing with this amendment is making sure there is a stick there too; that the FCC can hammer the Bells any time they fail to open up their market, as required by the 1996 act.

This is a great amendment, and I commend both gentlemen for it.

Mr. Chairman, I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume. I intend to close at this point as well.

I want to say from the outset that this bill not only in this Congress but in the last Congress as well was known to be a very strong bipartisan bill, Republicans and Democrats working together to unshackle the regulations off a new technology that is so important for our country.

The Tauzin-Dingell bill does that. It was bipartisan in every way, as we have seen in the debate today. And as the new chairman of the subcommittee, my door was open to virtually every group. The concern I heard from virtually every group was that the FCC did not have the right authority to enforce the law. I welcomed the participation of virtually every member of the subcommittee to see this amendment through, both in committee, subcommittee, as well as today on the floor.

The gentleman from Texas (Mr. GREEN) has been a tremendous help not only on this issue but so many others as we have worked in a bipartisan fashion in our committee. I commend my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), and I would urge all my colleagues to support the Upton-Green amendment.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding because it is important as we are about to adopt this amendment to understand that it does not just give the FCC the power to

punish a Bell for not opening up its local market, for not complying with the law, section 251, which is mandated but unenforced today.

It does more than say we are going to fine you and penalize you if you fail to do that. It contains authority that Mr. Powell and the FCC requested of our committee to order any Bell company to cease and desist and to enforce that order in court if any Bell company conducts itself in a fashion that is anti-competitive.

So what this amendment does and what makes it so very important to the bill is that it says while the Bells are allowed to get out and deploy the new broadband systems, they cannot forget their obligation to open up the local telephone markets to as much competition as we can get.

In short, this is a total competition bill, competition for telephone in the local market and enhanced competition in the Internet broadband market. This amendment completes the package in a big way.

Again, I commend it to all the Members' attention. Hopefully, it will be adopted unanimously. I thank the gentleman for yielding.

Mr. UPTON. Mr. Chairman, reclaiming my time, I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of this amendment which helps ensure competition by increasing the penalties and fines the FCC may apply against phone companies which violate the 1996 Telecommunications Act.

Such violations, when unchecked, can have severe anticompetitive effects, and may thwart the expansion of this important technology across all strata in the population, expressed as the digital divide.

Specifically, the amendment increases maximum fines per violation from \$120,000 to \$1 million per day, and caps continuing violations rising from \$1.2 million to \$10 million. It also doubles the penalty for repeat offenders per violation to \$2 million per day, with a cap of \$20 million for continuing violations.

The amendment also doubles from 1 year to 3 years the statute of limitations for the FCC to bring enforcement actions against phone companies, it give the FCC statutory "cease and desist" authority against companies that violate the rules. Finally, it directs the FCC to study the impact of these enhanced penalties and report its findings to Congress.

The amendment goes a long way towards monitoring and enforcing the delicate balance that exists in this industry. I urge my colleagues to support it.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered

by the gentleman from Michigan will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

The CHAIRMAN pro tempore. Proceedings will now resume on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 7, not voting 6, as follows:

[Roll No. 43]

AYES—421

Abercrombie	Cooksey	Green (TX)	Lantos	Ortiz	Simmons
Ackerman	Costello	Green (WI)	Larsen (WA)	Osborne	Skelton
Aderholt	Cox	Greenwood	Larson (CT)	Ose	Slaughter
Akin	Coyne	Grucci	Latham	Owens	Smith (MI)
Allen	Cramer	Gutierrez	LaTourette	Oxley	Smith (NJ)
Andrews	Crane	Gutknecht	Leach	Pallone	Smith (TX)
Armey	Crenshaw	Hall (OH)	Lee	Pascarella	Smith (WA)
Baca	Crowley	Hall (TX)	Levin	Pastor	Snyder
Bachus	Culberson	Hansen	Lewis (CA)	Payne	Solis
Baird	Cummings	Harman	Lewis (GA)	Pelosi	Souder
Baldwin	Cunningham	Hart	Lewis (KY)	Pence	Spratt
Ballenger	Davis (CA)	Hastings (FL)	Linder	Peterson (MN)	Stark
Barcia	Davis (FL)	Hastings (WA)	Lipinski	Peterson (PA)	Stearns
Barr	Davis (IL)	Hayes	LoBiondo	Petri	Stenholm
Barrett	Davis, Jo Ann	Hayworth	Lofgren	Phelps	Strickland
Bartlett	Davis, Tom	Herger	Lowey	Pickering	Stump
Barton	Deal	Hill	Lucas (KY)	Pitts	Stupak
Bass	DeFazio	Hilleary	Lucas (OK)	Platts	Sullivan
Becerra	DeGette	Hilliard	Luther	Pombo	Sununu
Bentsen	Delahunt	Hinchey	Lynch	Pomeroy	Sweeney
Bereuter	DeLauro	Hinojosa	Maloney (CT)	Portman	Tancredo
Berkley	DeLay	Hobson	Maloney (NY)	Price (NC)	Tanner
Berman	DeMint	Hoechel	McCollum	Manzullo	Tauscher
Berry	Deutsch	Hoekstra	McCrery	Markey	Putnam
Biggert	Diaz-Balart	Holden	McDermott	Mascara	Quinn
Bilirakis	Dicks	Holt	McGovern	Matheson	Radanovich
Bishop	Dingell	Honda	McHugh	Matsui	Rahall
Blagojevich	Doggett	Hoooley	McInnis	McCarthy (MO)	Ramstad
Blumenauer	Dooley	Horn	McIntyre	McCarthy (NY)	Rangel
Blunt	Doolittle	Hostettler	Meek (FL)	McCollum	Regula
Boehlert	Doyle	Houghton	Meeks (NY)	McCrery	Rehberg
Boehner	Dreier	Hoyer	Menendez	McDermott	Reyes
Bonilla	Duncan	Hulshof	Menendez	McGovern	Rodriguez
Bonior	Dunn	Hunter	Menendez	McHugh	Romney
Bono	Edwards	Hyde	Miller, Jeff	McInnis	Roemer
Boozman	Ehlers	Inslee	Mica	McIntyre	Rogers (KY)
Borski	Ehrlich	Isakson	Miller, Gary	McKeon	Rothman
Boswell	Emerson	Israel	Miller, George	McKinney	Roukema
Boucher	Engel	Issa	Miller, Jeff	McNulty	Roybal-Allard
Boyd	English	Istook	Milkovich	McNulty	Royce
Brady (PA)	Eshoo	Jackson (IL)	Moore	McNulty	Rohrabacher
Brady (TX)	Etheridge	Jackson-Lee	Moran (KS)	Meek (FL)	Ros-Lehtinen
Brown (FL)	Evans	(TX)	Moran (VA)	Meeks (NY)	Ross
Brown (OH)	Everett	Jefferson	Morella	Menendez	Rothman
Brown (SC)	Farr	Jenkins	Murtha	Miller, Gary	Rothman
Bryant	Fattah	John	Myrick	Miller, George	Roxas
Burr	Ferguson	Johnson (CT)	Nadler	Moore	Roxas
Burton	Filner	Johnson (IL)	Napoli	Napoli	Roxas
Buyer	Flake	Johnson, E. B.	Napolitano	Nussle	Roxas
Callahan	Fletcher	Johnson, Sam	Oberstar	Obey	Roxas
Calvert	Foley	Jones (OH)	Neal	Olver	Roxas
Camp	Forbes	Kanjorski	Nethercutt	Olver	Roxas
Cannon	Ford	Kaptur	Sessions	Olver	Roxas
Cantor	Fossella	Keller	Sanders	Olver	Roxas
Capito	Frank	Kelly	Sandlin	Olver	Roxas
Capps	Frelinghuysen	Kennedy (MN)	Sawyer	Olver	Roxas
Capuano	Frost	Kennedy (RI)	Saxton	Olver	Roxas
Cardin	Gallegly	Kerns	Schaffer	Olver	Roxas
Carson (IN)	Ganske	Kildee	Schakowsky	Olver	Roxas
Carson (OK)	Gekas	Kilpatrick	Shiff	Olver	Roxas
Castle	Gephhardt	Kind (WI)	Walden	Olver	Roxas
Chabot	Gibbons	King (NY)	Watt (NC)	Olver	Roxas
Chambliss	Gilcrest	Kingston	Watts (OK)	Olver	Roxas
Clay	Gillmor	Kirk	Waxman	Olver	Roxas
Clayton	Gonzalez	Kleczka	Weiner	Olver	Roxas
Clement	Goode	Knollenberg	Withey	Olver	Roxas
Clyburn	Goodlatte	Kolbe	Wolfe	Olver	Roxas
Coble	Gordon	Kucinich	Woolsey	Olver	Roxas
Collins	Goss	LaFalce	Wu	Olver	Roxas
Combest	Graham	LaHood	Wynn	Olver	Roxas
Condit	Granger	Lampson	Young (AK)	Olver	Roxas
Conyers	Graves	Langevin	Young (FL)	Olver	Roxas

NOES—7

NOT VOTING—6

□ 1518

Messrs. HEFLEY, OTTER, BAKER and SKEEN changed their vote from “aye” to “no.”

Mr. MCINNIS and Mr. EVANS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tem-

pore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER AMENDMENT NUMBER 3 AS AMENDMENT TO THE BILL DURING FURTHER CONSIDERATION OF H.R. 1-542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of the bill, H.R. 1542, pursuant to House Resolution 350, that the gentleman from Indiana (Mr. BUYER) be permitted to offer amendment No. 3 printed in House Report 107-361 as an amendment to the bill, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. BUYER. Mr. Speaker, reserving the right to object, since the Buyer-Towns amendment was an amendment to an amendment not made in order, and the committee has now risen, I would ask of the chairman of the Committee on Energy and Commerce to explain to the gentleman from New York (Mr. TOWNS) and me what he intends to do.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Apparently, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) have decided in the Committee of the Whole not to offer their amendment, and since the amendment drafted by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) is an amendment to their amendment, I must seek unanimous consent to have it offered as an amendment to the main bill in the Committee of the Whole, and that is why I have asked for this unanimous consent request.

Absent the granting of this unanimous consent request, it is my understanding the only way that we can get the Buyer-Towns amendment up would be if we defeated the previous question on the motion to recommit, in which case we will do so, if we are not granted this unanimous consent.

Mr. BUYER. Mr. Speaker, further reserving the right to object, I am hopeful that no one does object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. MARKEY. Mr. Speaker, I reserve the right to object in order to make this point to Members, which is that we have reached a juncture here whereby two amendments, the one made by

the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS), and the one made by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS), each have a right, in my opinion, to have a vote on the House floor.

The way the rule is structured is there will not be a vote on the Cannon-Conyers amendment. What we are trying to do through this device is to have a straight up or down vote on the amendment, which all the competing companies in America want to have as their up or down vote; and then everyone is free to vote with the Bells or all the competitors. One vote, that is all they want; pick sides, straight up or down. We are not allowed that under the rule that came out of the committee last night.

So that is all we are trying to set up right now. We hope by the end of this process, and on the vote on the previous question, by the way, Members will have that chance to decide, one way or another, to come down forever on competition or with this old monopolistic view.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding, and I concur with his observation.

Mr. Speaker, could I just make this point: Why can we not just have a straight up or down vote on Cannon-Conyers and on Buyer-Towns? That has been spoken about among our leadership. I think it would be agreeable to many of the principals here on this bill, and I think it would make things move a lot more quickly.

We have already saved ourselves hours of time by foreclosing the debate. If we just have these two votes, we would be able to bring this very important piece of legislation to a conclusion.

Mr. MARKEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

1530

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1542.

1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Michigan (Mr. UPTON) had been disposed of.

It is now in order to consider Amendment No. 2 printed in Part B of House Report 107-361.

Is there any Member in the Chamber wishing to offer that amendment?

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. TAUZIN. Who may offer that amendment under the rule?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) or his designee.

Mr. TAUZIN. No one else can offer that amendment but the gentleman from Utah?

The CHAIRMAN pro tempore. The gentleman from Louisiana is correct: The gentleman from Utah or his designee.

Mr. TAUZIN. I thank the Chair.

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BUYER. The gentleman from New York (Mr. TOWNS) and I had an amendment to the Conyers-Cannon amendment. If these two gentlemen or their designee do not offer that amendment, then I have no opportunity to do that, other than we defeat the previous question, and then I have an opportunity to make an amendment on the motion to recommit. Would that be correct?

The CHAIRMAN pro tempore. The Chair is not able to address the Committee questions that may arise in the House.

Mr. BUYER. I thank the Chair.

The CHAIRMAN pro tempore. Does any Member wish to offer the amendment?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, pursuant to House Resolution 350, he reported the bill, as amended pursuant to that rule, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1542 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

AMENDMENT TO H.R. 1542, AS REPORTED

OFFERED BY MR. MARKEY

Strike section 4 and insert the following:

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

“SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

“(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, the Commission shall have no authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

“(b) SAVINGS PROVISION.—

“(1) STATE AUTHORITY.—Nothing in this section shall be construed to limit or affect the authority of any State, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

“(2) EXISTING RULES AND COMPETITION PRESERVED.—Notwithstanding the limitations on Commission and State authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), in order to preserve and promote fair competition, innovation, economic investment, and consumer choice, no provision of such Act or amendments shall restrict or affect in any way the application and enforcement of the Federal and State rules in effect on the date of enactment of such Act relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers.

“(3) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding the limitations on Commission authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), such Act and amendments shall not restrict or affect in any way—

“(A) the authority of the Commission to adopt regulations to prohibit unsolicited commercial e-mail messages;

“(B) the authority of the Commission to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

“(C) the authority of the Commission—

“(i) with respect to customer proprietary network information, as provided in section 222;

“(ii) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

“(iii) with respect to access by persons with disabilities, as provided in section 255.

“(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

“(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission’s regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

“(2) rules issued pursuant to section 254.”

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

“(j) EXEMPTION.—

“(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

“(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, the Commission shall not require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

“(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission’s regulations (47 C.F.R. 51.319), as—

“(i) in effect on January 1, 1999; and

“(ii) subject to subparagraphs (C) and (D), as modified by the Commission’s Line Sharing Order.

“(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

“(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

“(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

“(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission’s Line Sharing Order in such manner as would expand an incumbent local exchange carrier’s obligation to provide access to any network element for the purpose of line sharing.

“(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission’s authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

“(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a non-

discriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

“(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the ‘Commission’s Line Sharing Order’ means the Third Report and Order in CC Docket No. 98-147 and the Fourth Report and Order in CC Docket 96-98 (FCC 99-355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01-26); and

“(B) the term ‘remote terminal’ means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.”

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

Page 12, beginning on line 23, strike “Internet access” and insert “such”.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. BUYER. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Massachusetts, is this the Cannon amendment?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Yes.

Mr. BUYER. This is the Cannon amendment that the gentleman is offering on the motion to recommit.

Mr. Speaker, while we were in the Committee of the Whole I asked a question of the Chairman which he said he could not answer. At that time, under the rule an amendment was designated. Neither the author nor a designee offered that amendment. Therefore, the Buyer-Towns amendment could not be offered.

The Conyers-Cannon amendment is now being considered in the recommitment motion, so the only opportunity

that the gentleman from New York (Mr. TOWNS) and I now have procedurally would be to defeat the previous question, and then in the motion to recommit we make an amendment to the recommitment motion. Would that be in order?

The SPEAKER pro tempore. That would be in order.

Mr. BUYER. It would be in order. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) in support of his motion to recommit for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. MARKEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARKEY. Mr. Speaker, my parliamentary inquiry is this. So that there can be a clarification for the Members as to the procedural process that the House finds itself in at this point in time, I have made a motion to recommit forthwith the bill which we are now considering. It is my understanding that that means that the bill actually does not go back to the committee but just goes to the desk here and is immediately then inserted into the bill forthwith and that there is absolutely no delay in the procedure at that point and we move forward with that new substance added to the bill, is that correct?

The SPEAKER pro tempore. If a motion to recommit is adopted in a form ordering a report forthwith, the gentleman is correct that the proposed amendment would immediately be before the House.

Mr. TAUZIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAUZIN. Mr. Speaker, I think it is important that we also clarify the effects of that kind of a decision if we do allow the gentleman from Massachusetts (Mr. MARKEY) to recommit this bill with the Canyon-Conyers amendment added to it. If we allow that to happen without voting against the previous question, without giving the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to amend that motion to recommit, it is tantamount to adopting the Conyers amendment on the bill without ever having a chance to vote on Buyer-Towns. Therefore, is it not correct that for Buyer-Towns to have an opportunity to be voted upon that the Members will have to vote against the previous question on the motion to recommit?

The SPEAKER pro tempore. The first portion of the gentleman’s observation is not a parliamentary inquiry.

The second portion, however, is. If the previous question were not ordered on the Markey motion to recommit, the Member who, in the perception of the Chair, led the opposition to the motion for the previous question would have an opportunity to offer an amendment to the motion to recommit.

Mr. TAUZIN. Further parliamentary inquiry, Mr. Speaker. May I claim the time in opposition to the motion to recommit?

The SPEAKER pro tempore. The gentleman may.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes in support of his motion.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

The reason we are making this recommitment motion is so that we can have one clear vote on the competition and consumer position on all of these issues. We were not going to have a vote out here on the floor on those issues. The Bell companies do not want a clear vote on the hundreds of other companies out there competing with the four of them. So this recommitment motion is the Conyers-Cannon amendment that we were not going to be allowed to have a vote on, that gives every one of us that clear chance to decide which side of this fence we are on, monopoly or competition. And I think everyone should understand it.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) yield to the gentleman from Indiana (Mr. BUYER) for the purpose of a parliamentary inquiry?

Mr. MARKEY. I do not.

Mr. BUYER. Mr. Speaker, I object to the yielding of time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) may yield to others and remain on his feet, which he is doing.

The gentleman has yielded to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me this time.

We might ask ourselves, why are CANNON and CONYERS together on an amendment? Sort of an odd couple, if one follows this body.

Let me point out that we have looked very carefully at this. It is exceedingly important to the future of the deployment of the Internet to have competition. There has been a lot of talk and a lot of obfuscation on this issue, but, in fact, without this amendment, if the bill becomes law, we will snuff out competition in America in the area that is going to give us the technological needed for the next century.

Mr. MARKEY. Mr. Speaker, I thank the gentleman. This is not a debate between Democrats and Republicans. It is between competition and monopoly.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, this legislation has created one of those rare moments where traditional coalitions and party affiliations are nearly irrelevant as Members of the House debate the issue of competition in the field of telecommunications.

I agree with my colleagues on deregulating the industry and giving consumers more options and lower prices, but what I disagree with some of my friends on today are the anticompetitive measures that I believe are given and special privileges for certain companies in this bill.

As a former State public utility commissioner, I am extremely troubled by Congress telling States what they can and cannot do on competition, pricing and the regulation of broadband facilities and networks. This is why 31 State public utility commissions are opposed to this bill before us unamended.

Restricting competitive local exchange carriers' access to incumbent networks endangers, I believe, the future of competition. There are countless small businesses that have invested billions of dollars and have created thousands of jobs. Let us not change the rules at the half time of the game. Let us not limit the lion's share into outmoded copper facilities, let us not tie one hand behind a company's back by taking away access to high-tech fiber lines, and let us not tell States, sorry, but we are taking away your authority on yet another issue.

Instead, I urge my colleagues to think of the small business people in their districts employing constituents and giving consumers options. The motion to recommit will fix this bill so small businesses get a voice, States keep their rights and ordinary, average Americans are given fair choices and fair prices as we keep heading down the information superhighway. Vote for the motion to recommit and vote for competition and consumers.

Mr. MARKEY. Mr. Speaker, I yield my final minute to the gentleman from Mississippi (Mr. PICKERING).

□ 1545

Mr. PICKERING. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their tenacity, their advocacy, their philosophy, and their approach, as it comes to telecommunications broadband and the questions before us. But we simply want one clean vote: Do we stand with competition, or do we go back to the old fragmented, segmented, monopolistic ways of what we tried to reform in 1996?

For those of us who want multiple choices, not just one or two but many choices, the free market enterprise of competition, innovation, lower prices, then we need to vote for the Conyers amendment; and we need to vote for the Cannon amendment. We need that clean chance.

If we believe in States' rights to help advocate competition and deployment, if Members want to maintain the regulation against child pornography and obscenity on the Internet, then Members need to vote for Cannon and Conyers.

This is our one chance in this debate to have one simple vote. We believe that it is the right vote. I ask for Members' support on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. TAUZIN. Mr. Speaker, there are two amendments before this House, both of which provide access for these competitive telephone lines to the new fiber and the new systems the Bell companies would deploy under this bill. The only difference is that the Cannon-Conyers amendment would put on those conditions all the rules and regulations that currently stifle the delivery of those services.

Every high-tech representative in this town, all the associations that represent companies from Lucent to Motorola, and the two largest associations of all the high-tech companies of America, over a thousand of them, have written us letters urging us to defeat Cannon and Conyers, because what it does, it guarantees that broadband will not be deployed to people in this country without all those rules and regulations of the telephone industry regulating the Internet. That is why they want that amendment defeated.

The Buyer-Towns amendment, on the other hand, gives those competitive telephone companies full access to those facilities of the Bell at fair rates set by the FCC, not by the Bell companies.

There are two proposals before us. I am going to ask Members in a minute to defeat the previous question to give the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to offer their proposal. If we defeat that previous question and motion, they will have a chance to offer their motion. Then they can vote Buyer and Towns up or down. If Members vote for that, that will be on the motion to recommit, and we will conclude our business.

Mr. Speaker, I yield to the gentleman from New York (Mr. TOWNS), the author of the bill.

Mr. TOWNS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, this is a very obvious way of trying to usurp the role of the Committee on Rules. What is the purpose of the Committee on Rules if we are going to try and usurp them in this fashion?

Let me be candid by saying that this is not what the Bell companies or the competitors prefer. However, I strongly believe that our amendment represents a middle ground. The Buyer-Towns is a good compromise. Our amendment does the right thing to ensure that

CULBERSON, TANCREDO, BOOZMAN and HERGER changed their vote from “aye” to “no”.

Mr. OBERSTAR, Mr. KINGSTON and Ms. CARSON of Indiana changed their vote from “no” to “aye”.

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUYER TO THE MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. BUYER. Mr. Speaker, I offer an amendment to the motion to recommit.

The Clerk read as follows:

Amendment offered by Mr. BUYER to the motion to recommit offered by Mr. MARKEY:

In lieu of the amendment proposed on the motion, insert the following:

Page 6, beginning on line 9, strike “, or to regulate any network element to the extent it is used in the provision of any such service”.

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

“(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECs.—

“(1) ACCESS RULES.—

“(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

“(B) TRANSPORT SERVICES AVAILABLE TO CLECs.—

“(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier’s serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

“(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier’s facilities between that incumbent local exchange carrier’s serving central office and (I) a customer’s premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

“(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

“(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term ‘serving central office’ means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

“(C) SPACE ADJACENT TO AN INCUMBENT’S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

“(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local ex-

change carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

“(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

“(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

“(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

“(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

“(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier’s obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

“(3) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘fiber feeder subloop’ means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

“(B) the term ‘fiber local loop’ means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

“(C) the term ‘packet switching network element’—

“(i) means a network element that performs, or offers the capability to perform—

“(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

“(II) any successor to the functions described in clause (i);

“(ii) includes such element on a stand-alone basis, or as a part of a combination with one or more other network elements; and

“(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

“(D) the term ‘remote terminal’ means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer’s premises; and

“(E) the term ‘signaling system 7 network’ means the network that uses signaling links to transmit routing messages between

switches and between switches and call related data bases.”.

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

“(D) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

“(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

“(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

“(3) with respect to—

“(A) customer proprietary network information, as provided in section 222;

“(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

“(C) with respect to access by persons with disabilities, as provided in section 255.”.

Page 6, line 12, insert before the period the following: “that is not imposed or required on the date of enactment of this section”.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Indiana?

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the Buyer-Towns amendment to the motion to recommit be considered as read and printed in the RECORD.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BUYER. Mr. Speaker, the Buyer-Towns amendment to the motion to recommit, is it a debatable or a non-debatable amendment?

The SPEAKER pro tempore. The amendment is not debatable.

Mr. BUYER. It is not. So the Members have to stay here during the reading of this amendment?

The SPEAKER pro tempore. The amendment is not debatable.

The Clerk will continue to read.

The Clerk continued to read.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Mr. Speaker, with the House vote denying the minority the right for a motion to recommit, has that happened in the last 10 years, the last decade in the House of Representatives?

The SPEAKER pro tempore. The Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Has the minority in the House of Representatives been denied the sacred right of a motion to recommit in the last 20 years?

The SPEAKER pro tempore. The Chair would give the gentleman the same response, and that is that the Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. I thank the Chair.

Mr. TOWNS. Mr. Speaker, I rise today in support of my amendment to H.R. 1542.

Last year, I voted to report H.R. 1542 out of Committee. I felt that America needed to formulate a national broadband policy and that the Tauzin-Dingell Bill was an excellent first step in doing so.

I also supported a line-sharing amendment during Committee deliberations because I felt that it was critical to provide access and reasonable pricing for the competitive industry. Over the past three years, line sharing has been the most contentious issue in the broadband debate. The amendment that Mr. BUYER and I offer today represents a true compromise on this issue.

Our amendment ensures that the competitive industry will have access to all copper and fiber networks owned by the Bell Companies. They will also have FCC-regulated pricing, which will prohibit the Bell Companies from pricing the CLECs out of the market. In addition to these provisions, this amendment also safeguards important laws such as the anti-slaming provisions and it protects the E-Rate program.

Let me be candid by saying, this is not what the Bell Companies or the competitors preferred; however I strongly believe that our amendment represents the middle ground that has been sorely missing in this debate over high-speed data deployment.

I will tell you Mr. Speaker that it is my belief that our amendment does the right thing to ensure that broadband is deployed in a competitive environment. I am pleased that the AARP and the Communications Workers of America have endorsed our proposal to strike a balance that is fair to consumers and is equitable for providers.

I urge each of my colleagues to vote "yes" on the Buyer-Towns Amendment and forge a true compromise on the issue of line sharing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this amendment.

I disagree with opponents of this amendment who argue that it would give the RBOCs a competitive advantage over smaller competitors. This amendment, a substitute amendment to the Cannon/Conyers amendment, requires RBOCs to utilize a competitor's broadband service over their network, but it does not require that they share their lines or facilities.

Although, under the bill, RBOCs would no longer be required to provide to competitors, at "wholesale rates," the use of RBOC DSL switching and routing equipment, fiber optic lines, or remote terminals, it does require

RBOCs to transmit a competitor's broadband service over their fiber lines and equipment at "just and reasonable" rates, terms and conditions set by the FCC. It also preserves the authority of the FCC to enforce consumer protection laws, and establishes a new framework under which RBOCs that use fiber lines to provide broadband services must also carry the broadband services of competitors.

Additionally, it eliminates the requirement that RBOCs permit competitors to directly connect with or be provided space in a RBOC remote terminal, but gives competitors access to RBOCs' rights-of-way so that competitors may place their own remote terminals on RBOC property near the RBOC equipment.

Importantly, this amendment guarantees that CLECs have access to customers served by RBOC company high-speed networks under FCC-regulated rates, terms, and conditions. It also preserves rules governing CLECs access to RBOC facilities, including a rule that permits CLECs to line-share on RBOC copper facilities; maintains rules governing law enforcement, pornography, slamming/cramming, privacy, access by persons with disabilities.

This amendment goes a long way towards increasing competition, access, and fairness in this important sector. I urge my colleagues to support it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment to the motion to recommit and on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) to the motion to recommit offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment to the motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the motion to recommit, as amended.

The motion to recommit, as amended, was agreed to.

Mr. TAUZIN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit and on behalf of the Committee on Energy and Commerce, I report the bill, H.R. 1542, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 6, beginning on line 9, strike "or to regulate any network element to the extent it is used in the provision of any such service".

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

"(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECS.—

"(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

"(B) TRANSPORT SERVICES AVAILABLE TO CLECS.—

"(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

"(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

"(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

"(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

"(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

"(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

"(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

"(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

"(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

"(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

"(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

"(3) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘fiber feeder subloop’ means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

“(B) the term ‘fiber local loop’ means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

“(C) the term ‘packet switching network element’—

“(i) means a network element that performs, or offers the capability to perform—

“(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

“(II) any successor to the functions described in clause (i);

“(ii) includes such element on a stand-alone basis, or as a part of a combination with one or more other network elements; and

“(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

“(D) the term ‘remote terminal’ means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer’s premises; and

“(E) the term ‘signaling system 7 network’ means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.”.

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

“(d) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

“(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

“(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

“(3) with respect to—

“(A) customer proprietary network information, as provided in section 222;

“(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

“(C) with respect to access by persons with disabilities, as provided in section 255.”.

Page 6, line 12, insert before the period the following: “that is not imposed or required on the date of enactment of this section”.

Mr. TAUZIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 157, not voting 4, as follows:

[Roll No. 45]		
AYES—273		
Ackerman	Filner	Lewis (KY)
Aderholt	Fletcher	LoBiondo
Akin	Foley	Lowey
Allen	Ford	Lucas (KY)
Armey	Fossella	Lucas (OK)
Baca	Frost	Lynch
Bachus	Gallegly	Maloney (CT)
Baker	Ganske	Maloney (OH)
Baldwin	Gekas	Manzullo
Ballenger	Gephhardt	Matheson
Barcia	Gibbons	McCarthy (NY)
Barr	Gillmor	McCryer
Barton	Gonzalez	McGovern
Bass	Goodlatte	McHugh
Becerra	Gordon	McIntyre
Bentsen	Graham	McKeon
Berry	Granger	McNulty
Bilirakis	Graves	Meek (FL)
Bishop	Green (TX)	Meeks (NY)
Blagojevich	Green (WI)	Menendez
Blunt	Greenwood	Millender
Boehlert	Grucci	McDonald
Boehner	Gutierrez	Miller, Dan
Bonilla	Gutknecht	Miller, Gary
Bonior	Hall (OH)	Mollohan
Bono	Hall (TX)	Moran (KS)
Boozman	Hart	Morella
Boucher	Hastings (FL)	Murtha
Boyd	Hayes	Myrick
Brady (PA)	Herger	Neal
Brady (TX)	Hill	Ney
Brown (FL)	Hilferty	Northup
Brown (SC)	Hilliard	Norwood
Bryant	Hinojosa	Nussle
Burr	Hobson	Olver
Burton	Holden	Ortiz
Buyer	Horn	Ose
Callahan	Hostettler	Otter
Calvert	Houghton	Oxley
Camp	Hoyer	Pascrill
Capito	Hulshof	Pastor
Capuano	Hunter	Payne
Cardin	Hyde	Pence
Carson (IN)	Issa	Petri
Chambliss	Istook	Phelps
Clay	Jackson (IL)	Pombo
Clayton	Jackson-Lee	Portman
Clement	(TX)	Price (NC)
Clyburn	Jefferson	Pryce (OH)
Collins	Jenkins	Putnam
Combest	John	Quinn
Condit	Johnson (CT)	Radanovich
Cooksey	Johnson (IL)	Rahall
Cramer	Jones (NC)	Rangel
Crane	Jones (OH)	Reyes
Crenshaw	Kanjorski	Reynolds
Crowley	Kelly	Riley
Culberson	Kennedy (MN)	Rodriguez
Cummings	Kennedy (RI)	Rogers (KY)
Cunningham	Kerns	Ros-Lehtinen
Davis (IL)	Kildee	Ross
Davis, Jo Ann	Kind (WI)	Roukema
Deal	King (NY)	Rush
DeLauro	Kirk	Ryan (WI)
DeLay	Kleczka	Ryun (KS)
Diaz-Balart	Knollenberg	Sanchez
Dicks	LaHood	Sandlin
Dingell	Lampson	Sawyer
Doolittle	Langevin	Saxton
Edwards	Lantos	Schiff
Ehlers	Larsen (WA)	Schrock
Emerson	Larson (CT)	Sensenbrenner
Engel	LaTourette	Serrano
English	Levin	Sessions
Everett	Lewis (CA)	Shaw
Ferguson	Lewis (GA)	Sherman
		NOT VOTING—4
	Baldacci	Gilman
	Cubin	Traficant
		□ 1654
	Ms.	MILLENDER-MCDONALD
	changed her vote from “no” to “aye.”	
	So the bill was passed.	
	The result of the vote was announced as above recorded.	
	A motion to reconsider was laid on the table.	

Sherwood	Turner
Shimkus	Upton
Shows	Visclosky
Shuster	Vitter
Simmons	Walder
Simpson	Walsh
Smith (MI)	Watkins (OK)
Smith (NJ)	Watson (CA)
Smith (TX)	Weldon (FL)
Smith (WA)	Weldon (PA)
Snyder	Weller
Souder	Wexler
Spratt	Whitfield
Stearns	Wilson (SC)
Stenholm	Wynn
Strickland	

NOES—157
Hastings (WA)
Andrews
Baird
Barrett
Bartlett
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (OK)
Castle
Chabot
Coble
Conyers
Costello
Cox
DeGette
Davis (CA)
Davis (FL)
Davis, Tom
Defazio
DeLahunt
DeMint
Deutsch
Doggett
Davis, Tom
Dooley
Dreier
Dunn
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gilchrest
Goode
Goss
Hansen
Harman

DeMint	McCarthy (MO)
Dickinson	McCollum
Dooley	McDermott
Dunn	McInnis
Ehrlich	McKinney
Eshoo	Udall (CO)
Farr	Udall (NM)
Fattah	Mica
Flake	Miller, George
Forbes	Miller, Jeff
Frank	Mink
Frelinghuysen	Moore
Gilchrest	Moran (VA)
Goode	Waxman
Goss	Weiner
Hansen	Wamp
Harman	Waters
	Watt (NC)
	Watts (OK)
	Velazquez
	Witter
	Wilson (NM)
	Wolfe
	Woolsey
	Wu
	Young (AK)
	Young (FL)

NOT VOTING—4

Baldacci Gilman

Cubin Traficant

□ 1654

Ms. MILLENDER-MCDONALD

changed her vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make necessary technical, conforming and clerical corrections in the enrollment of the bill, H.R. 1542.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 1542, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE HON. HOWARD L. BERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HOWARD L. BERMAN, Member of Congress:

WASHINGTON, DC,
February 25, 2002.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with civil subpoenas for documents and testimony issued by the United States District Court for the Central District of California in a civil case pending there. The testimony and documents sought relate in part to the official functions of the House.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the privileges and rights of the House to comply with the subpoenas, to the extent that they seek testimony and documents that relate to the official functions of the House.

Sincerely,

HOWARD L. BERMAN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

(Mr. GANSKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CASE OF JOSEPH SALVATI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to talk about what I think is one of the greatest miscarriages of justice ever heard of or ever seen in this Nation.

As some people know, I spent 7½ years before coming to Congress as a criminal court judge in Tennessee trying felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. But I want to talk briefly today about the Joseph Salvati case, a case in which a man whom the FBI knew was innocent and yet they still kept him in prison for more than 30 years, a man with a wife and, I think, four children. It is just horrendous to think about what was done to this man by our own Federal Government, a man that they knew was innocent. They did not discover that he was innocent after he had been in prison for 25 years. They knew before he went to prison that he was innocent.

First of all, I want to start by expressing my great admiration and respect for the courage and determination of the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, in conducting several hearings about this terrible miscarriage of justice that I am talking about here. This is my 14th year in the Congress. I have been shocked by this Joseph Salvati case and all that I have heard in the hearings that Chairman BURTON has had so far, but I want to read to you the first paragraph of Chairman BURTON's opening statement, because I am a member of three different committees, five separate subcommittees, I have participated in hundreds, maybe even several thousand of committee and sub-

committee hearings since I have been in the Congress, and I have never heard a more shocking statement in a congressional hearing than I heard Chairman BURTON give. In fact, I have heard him now give it on two occasions.

His opening statement, the first paragraph said, "The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars. It permitted informants to commit murder. It tipped off killers so that they could flee before they were caught. It interfered with local investigations of drug dealing and arms smuggling. And then when people went to the Justice Department with evidence about murders, some of them ended up dead."

□ 1700

Now, that is a statement by the gentleman from Indiana (Chairman BURTON). As I said, I think it is the most shocking statement I have ever heard made in a congressional investigation.

I do not really know what all is behind everything that is in that statement. I know it is far more than just the Salvati case from Massachusetts, which, as I say, was a case in which the Justice Department kept a man in prison for more than 30 years for something that they knew all along that he did not do.

But I will say this: anyone who is not totally, completely shocked by what the gentleman from Indiana (Chairman BURTON) said in that statement that I just read and who is not totally completely shocked by the Salvati case should reexamine his or her commitment to true justice and to our legal system.

The primary purpose of the law and our legal system should be to protect the freedom and liberty of innocent citizens. That should be the primary purpose and goal of our legal system. Our term "justice" can be defined in many ways; but in the end, it should and does mean fairness, simple fairness from one human being to another. Justice should mean fairness to all.

Apparently, you had and still have Justice Department and FBI bureaucrats who are so blinded by arrogance and power that they can no longer see what true justice means. To me, this is shocking. The FBI and the Justice Department are still refusing to turn over documents and papers on the Salvati case and on some of these other cases to the gentleman from Indiana (Chairman BURTON), even though these cases are many years old. The Salvati case, as I say, occurred more than 30 years ago.

Joseph Califano, who was a member of the Cabinet and a top adviser to Presidents Clinton and Carter, wrote in a column a few weeks ago in the Washington Post and said, "In the war against terrorism, which all of us support, we are missing a very alarming problem that is growing by leaps and bounds," and that is what he described

as the “shocking, alarming rise in Federal police power.”

If we are going to have true justice in this country, we cannot end up with a Federal police state that allows the FBI and the Justice Department to do just anything they want, no matter if it means that an innocent man ends up behind bars for 30 years when they know he is innocent, and they covered it up and then attempt to continue to cover it up after the world knows all about it. This Salvati case has been on “60 Minutes.” Everybody knows about it; it has been all over the television and the news.

So I hope the gentleman from Indiana (Chairman BURTON) will continue the series of hearings that he has held trying to call attention to this horrendous abuse, this terrible miscarriage of justice that was done to Mr. Salvati, and I hope that people realize that we have a Federal Government that has gotten out of control here and they start opposing things like happened in this case.

TWO THOUSAND DETAINEES: AMERICA'S GULAG?

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to address a matter of grave concern for those of us who value freedom and democracy in this country.

On December 14, Rabih Haddad, a prominent community leader and religious cleric in Anne Arbor, Michigan, was preparing to celebrate a major religious holiday with his wife and four children when a knock came at his door. There stood three INS agents who had come to take him away. Mr. Haddad is now being held in 23-hour solitary confinement several hundred miles away from his family, whom he is allowed to see only 4 hours a month. Mr. Haddad has been in jail for 76 days and has never been charged with a crime.

On November 24, Mazen Al-Najjar, a former university professor and religious leader living in Tampa, Florida, was rearrested by Justice Department officials. Professor Al-Najjar had already been held for 3 years in Federal prison on secret evidence until December 2000, when a judge ruled that allegations against him were baseless and ordered the government to release him. He is now being held in 23-hour lockdown in a maximum security prison. Professor Al-Najjar has been in jail for 96 days and still has never been charged with a crime.

In early October, Anser Mehmood, a New Jersey truck driver originally from Pakistan, was arrested by Federal law enforcement officials. His family was not allowed to visit him for 3 months, nor were they told of his whereabouts. Deprived of their only source of income, his wife and four

children have been forced to sell all of their belongings and now plan to return to Pakistan. Anser has been in jail for more than 140 days and has never been charged with a crime.

On September 18, Mohammed Refai, a legal resident of the United States, was informed that the 1-year extension of his conditional green card was being revoked. Then he was put in jail. The government denied him access to his lawyer for 2 days, and he remains in solitary confinement. Mohammad has been in jail for 162 days and has never been charged with a crime.

These are just a handful of the stories of people who have been swept up in Attorney General John Ashcroft's dragnet and who have been denied the most fundamental rights of due process and rule of law. But there are literally hundreds and hundreds and hundreds of such cases all over the country.

We do not know their names, and we do not know what they are being charged with. We do not know if they have access to legal assistance or even to their families. There are reports that many have been mistreated and denied access to their legal counsel and even visits by their families. We know that one such detainee has already died while in U.S. custody. But we do not know exactly how many others are being held because the Bush administration will not tell us. They will not tell us who they are, where they are, or why they are being held.

The ACLU and other domestic civil rights groups estimate there are as many as 2,000 individuals, most of them men from the Middle East and South Asia, who are now swept up in this administration dragnet. The number will likely increase in the coming months as John Ashcroft goes after thousands more so-called “absconders.”

We do know that one detainee, 55-year-old Mohammad Butt from Pakistan, died in custody at the Hudson County Jail in New Jersey. But the Justice Department offers little justice for those now caught in its snare.

The great irony is that all along the administration has said that we are hated because we are free; not because of what we are, but because we are free.

There is so much talk about how America is viewed abroad. Well, let us look at a recent headline: “The disappeared: Since 11 September, last year, up to 2,000 people in the United States have been detained without trial or charge or even legal rights. The fate of most is unknown. Andrew Gumbel investigates a scandal that shames the land of the free.”

A scandal that shames the land of the free, and most Americans do not even know it. But that is not from a newspaper in Pyongyang; it is not from a newspaper in Tehran. It is from a newspaper from London, one of the largest newspapers, in fact, in London, from the *Independent*.

If we want the world to understand who we are and what we stand for, we should bear in mind that everything we

say and do is broadcast all over the world, even if it is not broadcast right here in America. When what is being broadcast are mass arrests of young men and closing down of charities, then we can only expect insightful rhetoric from abroad. It is time we start living up to our own standards of freedom, equality, and justice.

LOCAL FIREFIGHTERS COULD FACE CHOICE BETWEEN TWO PASSIONS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I reluctantly rise to discuss an issue that troubles me greatly. For the past 16 years that I have served in this body I have tried to focus attention on the plight of the Nation's fire and emergency service providers.

Across this country, we have fought for their interests. We have fought for the career and volunteer firefighters in 32,000 departments. We organized the largest caucus in the Congress. We have an annual dinner each April which brings all the focus together. We have had President Clinton, former President Bush and all of our major party leaders come together to support them.

As we saw in the Washington Post 2 days ago, the good will we have developed is currently being undone by a resolution passed by the International Association of Fire Fighters, good friends of mine, supporters of mine, that tells their membership they can no longer volunteer in the course of serving the communities where they live. So a firefighter in the District of Columbia who lives in suburban Maryland or Virginia is no longer allowed on his own free time to serve the communities where he lives. If he wants to do that, he must give up his union card.

Madam Speaker, this is like saying that teachers, and I was a teacher for 7 years, should withdraw from the teacher's association if they want to tutor poor kids on weekends or after school, or even teach Sunday school. It is like telling doctors that they should no longer serve in clinics on their own time or be dismissed from the AMA. It is like telling professional athletes they should no longer play in charity games, raising money for good causes, or coach our youth teams. It is like telling lawyers that they should not belong to the American Bar Association if they do pro bono work.

Madam Speaker, one of the leaders, a paid IAFF leader and a member of the Rockville City Volunteer Fire Department, has estimated that 70 percent of all career firefighters volunteer in the communities where they live. The IAFF has now come out and said they can no longer do that.

I respectfully request our friends in the IAFF to reconsider this decision.

We will continue to support firefighters, career and volunteer. We will continue to fight for more funding to provide even for paid personnel where there are shortages. But this kind of a policy drives a wedge between career and volunteer fire and EMS people that is just, I think, unthinkable.

In fact, one of the leaders of the IAFF said it well: "Many of the smaller communities rely solely on volunteer stations and they stand to lose a lot. This is all about men and women who really just love being a firefighter. Volunteering on their days off, whether in their own county or nearby, keeps their skills fresh. This just unnecessarily drives a wedge between the careers and the volunteers, and that eventually hurts the public."

Madam Speaker, I was up at the World Trade Center 2 days after the disaster, and I saw thousands of firefighters from around the country working together with the New York City career firefighters. Does this mean that those career firefighters from other departments that went to New York City would lose their union cards if this were enforced because they were volunteering to help their brother firefighters in time of need?

I plead with my friends in the IAFF, for the sake of your own members, change this policy, so that we all can work together for the good of America's domestic defenders.

METRO AIRPORT JANITORS HAVE EARNED A FAIR WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, in the Detroit Metropolitan area, we recently celebrated the opening of a \$1.2 billion Midfield Terminal at our regional airport. Now, after millions and millions have been spent to build this terminal, and after billions and billions have been spent to bail out the airline industries, our airport is literally a mess because of \$3.55.

Now, \$3.55 may not seem like a lot of money, but to workers like James Hughes it is a lot. What is even more insulting is that his pay and benefits are being cut without negotiations with his collective-bargaining agent, the Service Employees International Union Local 79.

When the new Midfield Terminal opened and the contractor in charge of custodial services turned its back on James Hughes and his coworkers, they turned their backs on the SEIU Local 79, and they turned their backs on all the passengers who fly through Detroit's airport. They said to James Hughes and his coworkers, we will not pay you a living wage. In fact, we are going to cut your pay from \$10.90 an hour to \$7.35 an hour, and we will not give you the same health care benefits that you had before. This is an absolute outrage.

Well, you know what? James Hughes and his fellow janitors, they said that they are not going to pick up the trash, and the SEIU janitors walked off their jobs and let the garbage pile high.

□ 1715

This new symbol of prosperity is supposed to be embodied in this new terminal. It is supposed to be clean and new, and it is supposed to be a sign that things are turning around at Detroit Metro. Well, instead, it had become a symbol of greed, a symbol of cronyism, a symbol of nepotism, and a symbol of corruption at this airport. It seemed that contracts, whether they are no-bid contracts handed out to political friends and family members or broken contracts with our janitors, remain a persistent problem at our airport and in Wayne County.

Well, it is high time that it stopped.

On Thursday, the janitors who had previously cleaned Northwest's former home in the Davey Terminal, they are going to be holding a rally. They have had enough of this. They are tired. They are sick and tired of being sick and tired, and they will be standing up for justice. They will be standing up for dignity and respect, and they will be standing up for what is right.

A living wage is something that every worker ought to be able to have. A wage enough so they can feed their families, pay their rent, pay their mortgage, a pay that one should be respected for.

Madam Speaker, one cannot help but be reminded of the time when garbage piled high up all over Memphis, leaving a stench in the air. The mayor there at that time refused to treat city sanitation workers with respect. He refused to honor their work with a fair wage, and he listened more to his political cronies than he did to the elected representatives of the people. So the young Memphis janitors, represented by AFSCME United, they held rallies, they marched the streets, and then they brought in Martin Luther King, Jr., to fight their cause.

The second time he came was the tragic day in April which no one will ever, ever forget. Yet, sometimes we forget why he came to Memphis. He was there because he saw his brothers and sisters in a struggle. It was a struggle for civil rights, for social justice, and for economic equality; and he died fighting against poverty and supporting sanitation workers who were on strike in Memphis.

Now, nearly 34 years later, in a different city, at a different moment in our history, janitors and sanitation workers are still struggling for the right to be treated with dignity and respect.

Fredrick Douglas once wrote, "There is no progress without struggle." Well, these workers have been struggling for generations, and progress has become painfully, painfully slow to come. The time is now for those who care about working families to join them in their

struggle. The time has come for justice for janitors. I am here to say tonight, Madam Speaker, that I am proud to stand with the men and women of SEIU local 79 and their great President Willie Hampton for their fight for living wages and adequate benefits. It is time we move forward. It is time to act. And on Thursday, February 28, we will.

SUPPORT H.R. 2820 AND SUPPORT OUR VETERANS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, we hear lots of lofty words and phrases uttered in this Chamber when it comes to honoring our military men and women and paying our debt of gratitude to our veterans who have served this country so nobly. But I have found that talk is cheap, and if one wants to know what is really important to the people who occupy this Chamber, one watches where the money goes. How do we use our resources?

I want to call to this Chamber's attention two things that have happened recently which negatively impact our Nation's veterans. We are in the process of imposing upon many of our veterans an annual deductible of \$1,500 in order for them to receive health care at our veterans' facilities. Madam Speaker, \$1,500, a new burden being placed upon our veterans.

In addition to that burden, there is an additional burden. In the past, veterans have been able to go to our hospitals and receive prescription drugs by giving a \$2 per prescription copay; \$2 per prescription. But, sadly, in early February of this year, that copay was increased dramatically by 250 percent. So now veterans do not pay \$2 when they get a prescription filled, they are required to pay \$7 for each prescription.

Now, at a VA hospital in my area, the average veteran gets over 10 prescriptions per month. If we take 10 prescriptions per month and we charge \$7 copay per prescription, that is \$70 a month, and many of our veterans get their medications for 3 months at a time. If we take 70 times 3, that is \$210. But what does this mean to the veteran who is living on a fixed income, a veteran who has served this country honorably and nobly, a veteran who has paid the price for the security needs of this Nation? This new burden for a veteran who takes 10 prescriptions a month amounts to \$600 per year. This is totally unjustified.

Madam Speaker, I would point out that we are doing this at a time when this House voted just a few days ago to eliminate the Alternative Minimum Tax, a tax that was placed on wealthy corporations, profitable corporations during the presidency of Ronald Reagan, because back in those days,

President Reagan recognized that there were janitors who were literally paying more in taxes than the profitable corporations that they worked for. So the Alternative Minimum Tax was imposed, and it has been in place since 1986. But in this Chamber, just a few days ago, we voted to eliminate that tax and to refund the money that had been paid by these profitable corporations since 1986, what is estimated to be approximately \$24 billion that would be given back, with no strings attached. We are doing that at the same time we are putting burdens on the backs of our veterans.

What we have done, basically, is to require veterans to pay more for their health care at the same time we are giving huge tax breaks and tax give-backs to profitable corporations. It is unacceptable.

Madam Speaker, I have introduced H.R. 2820, a bill that would simply return the copay to \$2, at a level it has been for quite some time, and it would freeze it at the \$2 level for the next 5 years. It seems to me that this is the least we can do for these men and women who have served our country.

Now, I believe this is something that this House will be willing to do, and I am calling upon my colleagues of both political parties to sign on to this legislation. Thus far, I have acquired about 70 cosponsors, Republicans and Democrats alike.

I would like to point out that the co-introducer of this legislation with me is a Republican, the gentleman from Ohio (Mr. NEY). The gentleman from Ohio and I are hopeful that all of our colleagues in this House will join us in the effort to reduce this burden upon our veterans, and we will be grateful if they do, and I am sure the veterans in this country will be grateful as well.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF STATE SENATOR CLIVE L. DUVAL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the accomplishments of one of Virginia's finest and most respected public figures. Clive L. DuVal II passed away on Monday, February 25. But his legacy of leadership on the environment, on consumer rights, on civil rights, and good government will leave a lasting impression on the Commonwealth of Virginia for decades to come.

Born in New York City, Senator DuVal came to embody the definition of a Virginia gentleman, serving in the

House of Delegates for 6 years and as a State Senator from 1972 until his retirement in 1992. Educated at Yale where he received his law degree, Senator DuVal went on to serve as a lieutenant commander in the Navy's 16th Air Group during World War II. After the war, he served at the Department of Defense as a lawyer, later becoming general counsel for the U.S. Information Agency in 1955.

Senator DuVal got his political start standing up against the controversial land use dispute over the Merrywood estate in McLean, Virginia. Citing illegal zoning practices, Senator DuVal helped persuade the U.S. Interior Department to join the effort, and it led to the successful prevention of high-rise developments along the Potomac River.

These concerns for the environment continued throughout Senator DuVal's legislative career. Known as a stalwart defender of the little guy, Senator DuVal rose to become the head of the Northern Virginia delegation. He eventually assumed the chairmanship of the Democratic Caucus and successfully used that position in fighting for progressive priorities. During all the budget agreements, as they would be worked out behind closed doors, we knew he was there fighting for the right priorities.

Senator DuVal left an indelible mark on everyone with whom he served. His courageous stands on civil rights and on women's rights made a great difference in Virginia's social progress. He was always admired by his colleagues for his velvet glove approach to the toughest of legislative battles, a good personal friend and an inspiration to so many of us looking for examples of successful progressive leadership in Virginia.

Madam Speaker, I stand today in salute of Senator DuVal's life's work. He was a role model for us all and a great American, and we will miss him dearly.

LAND LOSS SUFFERED BY AFRICAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. I am pleased to come to the House floor to speak in honor of Black history month. In 1926, Carter G. Woodson started Black history week to bring national attention to the contributions of Black people to this nation. Since 1976, Americans annually recognize February as Black history month. This year's theme, "[t]he Color Line Revisited, Is Racism Dead?", reminds us as a nation to examine our haunted past, while affording us an opportunity to appreciate how African-Americans have been instrumental in shaping the spirit of our nation, despite the barriers imposed by racism. As I take this opportunity to recognize the triumphs of African-Americans, I would be remiss if I did

not recognize the losses we have suffered. I would like to recount one particularly painful loss endured by African-Americans, that of land loss. Madam Speaker, on January 12, 1865, General William T. Sherman met with 20 black community leaders of Savannah, Georgia. The following day, General Sherman issued Special Field Order Number 15 which set aside the Sea Islands off the Georgia coast and a 30-mile tract of land along the southern coast of South Carolina for the exclusive settlement of black families. This land, along with other confiscated and abandoned land, fell under the jurisdiction of the Freedmen's Bureau, a government entity created to assist former slaves. Each family was to receive 40 acres of land and an Army mule to work the land, thus the origin of '40 acres and a mule.'

The Freedmen's Bureau lent a helping hand to former slaves in their newfound freedom by assisting them in taking advantage of the government's promise of land and a chance at prosperity. Unfortunately, the government never lived up to its promise of 40 acres and a mule. During the fall of 1865, President Andrew Johnson issued special pardons which returned the confiscated property of many ex-Confederates. The Freedmen's Bureau was stripped of most of its power, and much of the land that had been leased to black farmers was taken and returned to the Confederates.

Nevertheless, despite the absence of government assistance, many African-Americans on their own managed to purchase land. Despite the failure of our Federal Government to make good on a promise of assistance and despite open hostility and racial discrimination, between the end of the Civil War and 1910, African American families in the South amassed a land base of over 15 million acres.

□ 1730

This was by no means an easily accomplished feat. Many sacrifices were made, and much hard work went into the efforts of African Americans to fulfill the American dream and own their own land. By 1920, there were 925,000 African American farmers. In 1999, the figures had dropped to less than 17,000 African American farmers with less than 3 million acres of land.

Fast forward to the year 2002, and many of us in the African American community look back on a promise made to us in 1865 that was never realized. We have to acknowledge the fact that not only did the government fail black farmers and landowners in 1865, it seems that the government has played an active role in depriving African Americans of property acquired through their own hard work and sacrifices. In some cases, the government approved taking lands from African Americans; in others, it actually participated.

How many cases have we heard where African Americans, through intimidation, trickery, fraud, and outright violence, have been driven from their land or lost family homesteads? In spite of bitter struggles to hold onto their land, many African Americans have lost land involuntarily and have received no remedy to correct these injustices.

We as a people recognize land ownership is an integral source of power. Cases of government-condoned land-taking are viewed by the black community as a campaign to deprive African Americans of our ownership rights as American citizens. For African Americans who have struggled to overcome the legacy of slavery, the loss of lands is particularly devastating. Land ownership is viewed as a source of economic security and prosperity. Since the mid-1800s when black Americans were first promised the opportunity to own land, we have sought to gain economic freedom, prosperity, and respect through our land and pass that legacy on to future generations.

In spite of the fact that our government has failed us and reneged on a promise of yesterday, we have shown that we have the drive and the determination to overcome adversity in our quest to share the prosperity to which we are entitled.

This does not mean, however, that we will accept the discrimination practices and government-sanctioned schemes that served to rob African American landowners of property that they have literally in some cases shed blood, sweat, and tears to attain and maintain.

As policymakers, we have an obligation to respond to the critical issue of land loss in the African American community. The link that has been established between land ownership, community, and democratic participation makes it critical that we are committed in our efforts to help black landowners hold onto their land. We must preserve a legacy that is worthy of passing on to future generations.

IN SUPPORT OF AMERICA'S DOMESTIC STEEL INDUSTRY AND THE CONGRESSIONAL BLACK CAUCUS PROGRAM ON BLACK HISTORY MONTH

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I am going to split my remarks between two areas that will be addressed in the House later this evening.

First of all, I rise in support of our domestic steel industry. Thousands of American steel workers have lost their jobs due to massive levels of low-priced steel imports. In my own district, the 11th district of Ohio, 3,200 LTV steelworkers may lose their jobs while 22,000 steelworkers and vendors in the region have been affected as a result of these imports.

I stand here today to urge the President to take decisive action against the cheap imports that are destroying the U.S. steel industry. This is an industry that has been a cornerstone of our economy and national security over the last 100 years.

The ITC found unanimously that American steel companies and thousands of workers and their communities have been seriously injured by these imports. I say and know firsthand that they have been devastated. The ball is now in the President's hands. He must decide what measures his administration will take to correct the wrong that has been caused by low-priced imports.

I urge the President in the strongest possible terms to impose strong and effective tariff-based relief. The President must impose a tariff of at least 40 percent against all foreign low-priced steel imports. I urge the President to impose such a tariff for a period of at least 4 years, as the law allows.

I also urge the President not to waiver from his commitment to the American steel industry and its workers because strong tariff-based relief is the only remedy that can realistically assist this industry in our United States.

Secondly, I rise in support of the Congressional Black Caucus Black History Month Special Order. Our theme tonight is "The Color Line Revisited: Is racism dead?" We have come together to salute the great history of African Americans in America. I would like to address that African American history and its origins and what it means to our great Nation today.

Let us take a moment to reflect on a time in our history when African Americans were so dehumanized and their history so distorted that slavery, segregation, and lynching were not punishable by law. It was a time when people were being mistreated because of the color of their skin, and as a result, many people began to stand against these terrible acts.

This stand against injustice by many eventually brought about a massive change that divided our Nation and sparked the Civil War. After the war, America stood true to its union as one Nation, under God. The spirit of African Americans was strong and unwavering during such difficult times, which makes the history of African Americans so great.

It is important to reflect upon this time in our history so that what happened to innocent people never happens again. It is largely for these reasons that I am working to make a difference in the life of every American. I believe that we must pick up where African American heroes left off. We must not only know our history but honor it, so that slavery, segregation, and inhumane acts never happen again.

We must be united for access to quality public schools for our Nation's youth, we must be united for access to affordable health care, and we must not rest until our Nation unites and

what will be done for African Americans in terms of reparations.

Right now, inner-city schools, which are overwhelmingly populated by African American children, are failing standardized tests at disproportionate rates. Right now, African American families lack access to quality health care at disproportionate rates. Right now, in the slowing economy, African Americans are losing their jobs at double the rate of white Americans. Right now, African Americans are victims of predatory lending by unscrupulous companies that are stripping our community of her wealth. Right now, the American people have a duty to their fellow countrymen and women to not only apologize for the inhumane acts, but also to supplement it with economic justice.

With all of our efforts, I am sure that we will continue to celebrate freedom and justice for all for many, many years to come.

In closing, racism is not dead; but we are one Nation, under God, indivisible, with liberty and justice for all. I am proud to be an American, and I am more proud that I am an African American. I salute those African Americans who believed in the fight for justice, believed in their dreams for equality, and paved a path for a brighter tomorrow.

We must stand up and continue to fight to be assured that racism does die. But right now, it is not dead.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-182)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, February 26, 2002.

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is my honor to begin the Congressional Black Caucus 2002 Black History Month Special Order. The theme of this year's national African American History Month is "The Color Line Revisited: Is racism dead?"

More than 100 years ago, in 1900, the great scholar, W.E.B. DuBois, addressed a pan-African conference in London where he said, "The problem of the 20th century is the problem of the color line." It is now the 21st century and a major problem for this Nation is still the color line, but I believe that the color line is shifting, and shifting toward a better future.

Certainly as a nation we could not have watched Vonetta Flowers become the first African American woman ever to win a gold medal in the Winter Olympics, ironically during Black History Month, without acknowledging that the color line is shifting.

Certainly when we look at the progress among black-elected officials, we know the color line is shifting. In 1964, there were just three African Americans in Congress and 300 black-elected officials nationally. Today, those numbers have swelled to 9,000 black-elected officials nationwide and 39 Members in Congress, 38 being members of the Congressional Black Caucus.

Yes, the color line is shifting; but the problem is still here. In our lifetime, in my lifetime, I have seen Nazism fall, Communism fall, Fascism fall, but why not racism? In our lifetime, we must cling to the belief that we as a united people will celebrate the death of racism.

American-styled racism, loosely defined, is the belief that one race is superior to another. Upon this principle, slavery, Jim Crowism, lynching, economic exploitation, and many other forms of oppression were engraved in law and tradition.

Can we now say racism is dead when 51 percent of African American children are living in poverty, while the civil rights movement fought for the right to vote in the sixties; and now in the new millennium we must fight to ensure that votes are counted, particularly in black areas?

For example, one in 11 ballots in the predominantly black voting precincts in Florida were tossed out, according to a New York Times analysis of the Sunshine State's black vote.

Racial profiling is alive. About 73 percent of motorists stopped and searched on a major New Jersey highway in 1999 were African Americans, even though African Americans made up less than 18 percent of the traffic violators.

Disparities in sentencing and in incarceration have grown. African American men comprise 50 percent of the U.S. prison population, despite representing just 6 percent of the U.S. population.

Reparations were refused to the survivors of the 1921 race riots in Tulsa, Oklahoma. The legislature refused this remedy, even though whites destroyed an African American community, killing 300 residents and destroying businesses and homes.

But they are just a few examples, just a few. There are so many more.

Moreover, when we witness the fights against affirmative action as a tool against African Americans achieving equality in employment and education, we can only conclude that much more must be done to bury racism.

When we review even now that land has been taken from African Americans, that they have had to pay more for life insurance policies, we know that racism is not dead.

But in my closing, the words of Dr. Martin Luther King, Jr., speaking in Nashville, Tennessee, on December 27, 1962, are appropriate: "The problem of race and color prejudice remains America's greatest moral dilemma. How we deal with this crucial situation will determine our moral health as individuals, our political health as a Nation, and our prestige as a leader of the free world. The hour is late, the clock of destiny is ticking out. We must act now before it is too late."

I know the Speaker joins me in recognizing the tremendous achievements that African Americans are making to this Nation. When I get on an elevator to come up each day, I know that it was an African American who invented the elevator. Even turning on a light or stopping at a street light, we know that we have been part of it. Standing in this building, we know that African Americans as slave workers built this great Capitol of the Nation.

Madam Speaker, I yield to the gentlewoman from California (Ms. LEE) to moderate the rest of the Special Order.

□ 1745

Ms. LEE. Madam Speaker, I would like to thank the chair of the Congressional Black Caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her leadership on issues affecting African Americans, all minorities in this country, in fact, the entire country, for everyone and for bringing us together here tonight.

As she reminded us so eloquently, in 1903 W.E.B. DuBois wrote *The Souls of Black Folks* and stated that, "the problem of the 20th century is the problem of the color line."

Now here in the 21st century, nearly 100 years after the publishing of his groundbreaking work, we really do face many of the same problems, and they are further complicated by an economic divide.

While African Americans have made great strides in many areas in the last

100 years, including the end of Jim Crow and legalized segregation, the color line is still evident and is still costly to African Americans and really to the entire Nation.

Some feel that because legal segregation was ended and that the Civil Rights Act was passed and affirmative action exists in some States, some believe that racism has ended. But I ask you tonight to consider the unfortunate new manifestations of racism as they exist in the year 2002 when we ask the question, is racism dead?

There are more than 44 million people in this country without health insurance. Nearly 20 percent of African Americans have no health insurance.

Thirty percent of children living in poverty are African American. That is about 3.5 million children.

Forty percent of black men in urban areas do not graduate from high school.

There are more young African American men under the control of the criminal justice system than enrolled in higher education.

The unemployment rate for blacks is 12.2 percent compared with 5.5 percent for white.

Homicide is the leading cause of deaths for black males between 15 and 24, and suicide is the third leading cause of death among young black males.

Black men in inner-city neighborhoods are less likely to reach the age of 65 than men in Bangladesh, one of the poorest countries in the world.

Since December of 2000, over 130,000 AIDS cases were reported among women in the United States. Almost two-thirds of all women with AIDS are African Americans. And young girls make up about 58 percent of new AIDS cases among teens in the United States.

Blacks are 10 times more likely to be diagnosed with AIDS than whites and 10 times more likely to die from this disease.

African Americans in this country were emancipated from slavery and given no compensation for their forced labor nor for that of their ancestors. Following this, legalized and institutional segregation marginalized African Americans to separate and unequal education, health services and protections under the law.

This was the inequality that Dr. DuBois was speaking of in 1903, but these inequalities continued to exist and define the state of affairs for much of black America.

Is racism dead? I do not think so. African Americans are still dealing with this terrible legacy of slavery, racism, social and political and economic marginalization.

Until we erase the health disparities, education disparities, unequal economic opportunities, and ensure that there are equal protections under the law, including making sure, may I say, that the votes of African Americans are as likely to be counted as whites in

our elections, we have to acknowledge, we have to be clear about this, that the color line does exist and that there is much to do in terms of seeking liberty and justice for African Americans.

So the question now should be, what does this Congress and this administration have the will to do about this? We all have a duty, a responsibility to fight for equality and justice.

As Dr. W.E.B. DuBois reminded us so eloquently 100 years ago, he said, "By every civilized and peaceful method we must strive for the rights that the world accords to men and women clinging unwaiveringly to those great words which the sons of the fathers would feign forget, 'We hold those truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'"

Again, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for bringing us together tonight. As we celebrate Black History Month, as it comes to a close, let us celebrate our achievements but remain vigilant on the issues that affect the millions of African Americans in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to yield back my time and request that time be yielded to the gentlewoman from California (Ms. LEE).

IS RACISM ALIVE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. LEE) is recognized for the remainder of the minority leadership hour.

Ms. LEE. Madam Speaker, I would like to recognize the gentlewoman from Florida (Mrs. MEEK), a great African American shero.

Mrs. MEEK of Florida. Madam Speaker, I thank my colleague.

Madam Speaker, I am very pleased to stand here today to celebrate black history, American history. The theme of this month or week and this special order is The Color Line Revisited: Is Racism Dead?

Madam Speaker, I want to thank my colleagues, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I also want to thank the Congressional Black Caucus for organizing today's black history special order.

Certainly the history of the people of African descent is interwoven with the history of America. Since the first Africans arrived on what is now American soil in 1619, black Americans have played a pivotal role on behalf of the development of this great Nation. I rise to speak on behalf of this year's Black History Month as designated by the Association of the Study of African American Life in History. For me, every month is Black History Month.

The Color Line Revisited: Is Racism Dead? This poignant theme forces us to

reflect upon the legacy of African Americans and the state of race relations in America. To some people, race relations is a term that they feel a little bit shy to talk about or to think about. But we must still remember that race is a great divider in our great country, and we must talk about it.

We have much to celebrate in the achievements of African Americans and the great strides this country has made towards equality. Just recently, we saw Vonetta Flowers make history by becoming the first African American ever to win a gold medal in the winter Olympics.

We have had many, many firsts, but our many firsts should have been firsts many, many years ago. The fact that I am able to serve as a Member of Congress along with 38 other African Americans is a clear indication of how far we have come. In the State of Florida it took three of us 129 years to come to this Congress. My question is, was racism alive? Would we have been here 129 years earlier?

America has changed much since I was a child growing up in Tallahassee, Florida, which at one time was really the seat of racism in the South. We no longer accept legal discrimination. We no longer allow poll taxes to bar African Americans from voting. We no longer accept separate but equal schools or water fountains. We are no longer forced to sit in the back of bus.

But we do often sit in the back of the bus many times, maybe not in a real bus but in the bus that is America, many times we sit in the back seat. We are not happy about it. We fight every day to be sure that the people we represent and those who are not here in the halls of Congress as we are to say we must fight anything that stands in our way to keep us from equality.

We are very proud, but there is much work to be done. We have come a very long way since the slave ships arrived on these shores. However, there is still a lot to be done.

This theme makes us ask the difficult question, is racism really dead? This is an important question that has the capacity to make us feel a little uncomfortable. We would rather not have to answer this question.

However, is racism dead when the black unemployment rate remains twice that of whites? Is racism dead when a young married couple is denied financing on the house of their dreams simply because of their skin color? Is a racism dead when a young black man is stopped for no apparent reason except for driving while black? Is racism dead when in my congressional district one out of six African Americans lack access to health insurance? Is racism dead when most young men who are fleeing from the police are shot in the back and it does not happen with any other color? When police use unjustified force against people of color, is racism dead?

If racism were truly dead, we would not need a Federal Office of Civil

Rights. We would not need the Fair Housing Act. We would not need the Community Reinvestment Act. We would not need countless other Federal and State offices whose job is to monitor and enforce equal treatment.

These are just some of today's challenges for African Americans and for America and for this Congress.

We need to continue to help America understand these challenges and struggles shall serve as incentives for a new program of action. We must work very hard to eradicate the institutional racism that exists in many of America's institutions, America schools, America's churches. All institutions in America frequently have racism.

Let us work hard to fund educational reform at a level that will impact the schools that need it most. Let us work hard to make health care available and affordable for African Americans and for all Americans. Let us speak out and demand justice in the face of unjustified use of force by police in our communities.

Our goal, as it was for the civil rights movement in the 1960s, should be an end to inequality in America. As we celebrate black history during this special month of February, let us realize that black history is American history. Let us command ourselves as Americans, as African Americans to work ceaselessly to end the persistent inequalities in our Nation and improve the quality of life for all Americans, the challenge to keep what we have and a god to glorify.

Ms. LEE. Madam Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for that very eloquent statement and also for actually working every day of your life to make the American dream real for all.

I would like to now recognize my colleague, the gentlewoman from Georgia (Ms. MCKINNEY), a fighter for justice and human rights both here at home and abroad.

Ms. MCKINNEY. Madam Speaker, I just want to state publicly for the record that you are a tremendous woman, a woman of courage and a woman I admire.

"The black man has no rights which the white man is bound to respect." That is what the Supreme Court wrote in black and white in 1857. In the presidential election year 2000, when the Supreme Court selected George Bush as our President and failed to order that the votes of black voters be counted, did the Supreme Court resurrect the ghost of Judge Tanksley who wrote those words? "The black man has no rights which the white man is bound to respect."

Certainly in Florida black voters had no rights that Jeb Bush and Katherine Harris felt bound to respect. They conspired with their leader, presidential candidate and Texas Governor George W. Bush to create a list, a so-called felons' list in order to target black people and keep them from voting. They came up with a list of 57,700 names from

Florida and Texas as well as Ohio and New Jersey.

Now, I do not think it is legal for Florida to deny Ohioans the right to vote. And we have our esteemed lawyers here, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Michigan (Mr. CONYERS) who can perhaps tell us about the legality of Florida disenfranchising people who supposedly were from Ohio and New Jersey.

□ 1800

At any rate, for example, you have a voter by the name of Johnny Jackson, Jr., who is a black man from Texas, but in Jeb Bush's Florida, Johnny Jackson, Jr., becomes a convicted felon by the name of John Fitzgerald Jackson. Now, Katheryn Harris maintained that Johnny Jackson, Jr., is the same person as John Fitzgerald Jackson. So when John Fitzgerald Jackson in Florida goes to vote, Katheryn Harris, Secretary of State, and all those people say, "Sorry, you cannot vote because you committed a felony in Texas. And in Texas your name was Johnny Jackson, Jr." Well, we know that that was not the case.

And in case after case after case, black people were denied the right to vote. The black man has no rights which the white man is bound to respect. It happened with names from Ohio, where blacks in Florida were targeted as whites in Ohio; and it happened even in New Jersey, with Latinos who ended up on the list as convicted felons, even though they had not committed any crime at all except to be a minority and a probable Democratic voter in a State that George W. Bush needed to get elected as President.

Sadly, 90 percent of the names on the 57,700 list of convicted felons were wrong. Sixty percent of those who were purged were black. Ninety-three percent of the people who were targeted voted Democratic.

Now, the subject of tonight's Special Order is: Is racism dead? Mr. Speaker, I will leave that up to you.

Ms. LEE. Well, I want to thank the gentlewoman from Georgia for speaking the truth and for reminding us of another chapter of American history and black history. I thank her very much.

I would like now to yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), who is a champion for civil rights not only here in the District of Columbia but throughout our country. She is a champion and defender of our Constitution, and one of these days there will be voting rights for all residents of the District of Columbia thanks to her and her constituents.

Ms. NORTON. I thank the gentlewoman for those kind remarks and for reminding this body of that outstanding debt in democracy owed to the 600,000 people I represent. I was pleased to be in the gentlewoman's district during the most recent recess and

saw how well she represents her district.

I also want to thank our caucus chair, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her work in gathering us once again, as we do every year, to speak about African Americans during Black History Month.

The theme chosen is well chosen, I must say: Is racism dead? I have to confess that for me the short answer is no. It is kind of a truism. I feel that I should not have to put forward the evidence, if you happen to live in this country of whatever background; but I do believe that my colleagues have more than demonstrated that proposition and that, by now, for those of us who want to open their minds, it is a self-evident matter.

I thought that I would devote my few minutes, knowing that others would speak eloquently to answer the question of the day, that I would devote my 2 minutes to speaking about racial pride and the pride that our country should take in black heritage in this city. I feel constrained to do so because many people know that this is a great monumental city, but I would bet that many do not know that this is a great hub of African American history.

I do not think I should let the Congress come here every year, sail through here without understanding the kind of black heritage that this city represents. The reason, of course, is that when this city was formed out of Maryland and Virginia, half of the blacks in the United States lived in those two States. So from the beginning it had a large African American population. A quarter of the population was African American. Interestingly, it did not become a majority African American city, it is now 60 percent black, until the 1950s.

This city is always a major tourist destination site. Increasingly, it is becoming a black heritage destination site as well; and I would like to devote my few minutes to saying why. At a time when we want people to come to their capital city as an act of patriotism, I want to say that I want them also to come to learn more about their country. And this is a great city to learn more about our country because so much black history was made in this country.

Indeed, as I speak, the Congress has allowed the home of Carter G. Woodson here, the father of black history, to become a historic site. We are about to get a bill I will soon be introducing in April that will take the home on 9th Street so that it is converted into the kind of home that Mt. Vernon is and that Frederick Douglass's home is. And we ought to do that because we are here talking about black history and this is the man that started black history, started the Association for the Study of Negro Life and History, who was the second black after W.E.B. DuBois to get a PhD from Harvard, the man to whom we owe the very idea of

black history because he uncovered it for the first time.

I mentioned the Frederick Douglass home. This is the city where Frederick Douglass did most of his work. He was the Recorder of Deeds in this city. It was from this city that he went to be ambassador to Haiti. It was in this city that he walked the halls of Congress.

To its credit, the Congress has approved a Presidential commission for an African American museum on the Mall, thanks to a bill whose chief sponsors were the gentleman from Georgia (Mr. LEWIS) and the gentleman from North Carolina (Mr. WATT). This Presidential commission brings us for the first time close to the idea that African Americans ought to be commemorated in this city.

This is the city where, of course, Howard University is found, the flagship university of black America, founded in 1867 as the first university that was open to blacks. It was open also to people of every race and color. Sterling Brown, the distinguished poet who taught at Howard, has said that after the Civil War the most distinguished and brilliant assemblage of negroes in the world, to quote him, came to this city. And that was in no small part because of Howard University. Howard University and the assemblage of so many black intellectuals made this a center for civil rights ferment and for the study and appreciation of African American history.

On U Street now we have 209,145 United States Colored Troops who served in the Civil War commemorated in the first Civil War monument to the black troops who served their country in the Civil War. The descendants of these troops can trace their lineage through a registry located there.

There is a 12th Street Y that was built by one of the Nation's first African American architects, and the son-in-law of Booker T. Washington. It was built by African American artisans in 1912, known not only as a historic structure but known for the many notable young men who passed through that Y: Dr. Charles Drew, the man who discovered blood plasma; former Georgetown University Coach John Thompson. The writer Langston Hughes, to name a few.

There is a home near McPherson Square of Mary McLeod Bethune, the woman who managed to advise four Presidents before blacks got their rights anywhere in the United States.

There is the Sumner school. This was the first public school for African Americans in the country. It later became the old M Street High School and the forerunner of Dunbar High School, the famous African American high school here where I was privileged to attend.

The tourist season is starting. Many of us who live here, who work here, are unaware that this is one of the great cities for black heritage. It is a great American story here in the lives of black people. Much that is history in

this city other than its Federal buildings is in fact black history. The building where we now stand, the Capitol of the United States of America, was built with the help of slave labor and the labor of free blacks.

As we commemorate Black History Month and learn more about our history, as we seek to answer the question is racism dead, we ought also to seek to appreciate what African Americans have done for our country. One way to do so is to see the marvels of African American history laid out in the great Nation's capitol.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for that very wonderful and thorough history lesson, and I thank her also for representing us, all who live here sometime during the week, for being our representative.

Mr. Speaker, I would like now to yield to the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary, our great leader, and one who makes history each and every day here in this House of Representatives.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California and commend her for this very important event in which we recollect our thoughts and thinking on the most sensitive question in our society, the question of race.

I am delighted to engage in a little recollection of things that have been going on in my life recently. I was at the University of Michigan for a black history program in Ann Arbor, Michigan, a month ago; and I must say I was astounded by the department size, the fact that they had professors, they had fellows who were coming from all over the world. There was a young fellow that had just come from South Africa that day, who made the mistake of not bringing an overcoat to Michigan in January. It was a great program. And there was a genuine interest demonstrated by the university that I had not known about before. A talented professor, teacher, a member of my congressional district in Detroit, heads up this department at U of M, and she goes from Detroit to Ann Arbor 5 days a week and loves her work. There was a real enthusiasm there.

And then 2 weeks ago I was approached by the gentleman from Michigan (Mr. HOEKSTRA) to join him in a program in Traverse City in which they were celebrating the life of a soldier who had to pass for white in World War II to get into the Air Force, because it was before they created Tuskegee Institute, which Mayor Coleman Young, our first African American Mayor in the city of Detroit, went to this school. But this was before him. And so he had passed away. We gave his family nine or 10 medals, from the Purple Heart, up and down, that had been denied him. And thanks to my colleague, the gentleman from Michigan (Mr. HOEKSTRA), and myself, we were able to get the Department of the

Air Force to go over this incredibly valiant record. He had reenlisted several times, and on his last mission his plane was shot down and he was killed.

□ 1815

Mr. Speaker, it was quite enlightening because there were very few people of color at the school. I was at a school, it is the first K-12 school I will ever recall being in in the North. Here it was in Traverse City. It was a very nice school, 300 young people, but still it went from K-12, which is quite a stretch in these days.

In addition, I will be joining the gentlewoman from California (Ms. LEE) tomorrow in terms of a meeting that we will be having concerning Three Strikes and You're Out. I am looking forward to that because it is very, very important.

I will be at the Wolverine Bar Association of Michigan's Annual Barristers' Ball this Saturday evening, a huge event, but it marks something more than just a wonderful social event. It marks the time not too far distant when African American lawyers could not practice law in the larger firms in Detroit.

Wade McCree, Jr., who became a county judge, a Federal judge and appeals judge, was President Jimmy Carter's Solicitor General and was surely scheduled to go on the Supreme Court, went into workmen's compensation as a referee, although he was Harvard trained with all honors, because no law firm would accept him at that time.

Our former colleague from Michigan, Congressman George Crockett, he, with Attorney Bill Goodman and others, they formed a firm called Goodman, Eden, Crockett, Robb, Philo & Millender, which was the first integrated firm in Detroit. This was in the 1940s. We are past that. We have broken into that. Our former mayor, Dennis Archer, is president-elect of the American Bar Association. A doctor and former health department head of Washington, D.C., is now a vice president of the American Medical Association.

So we have started making these kinds of movements, but it is important for us to understand that, even as we do, so we will be meeting tomorrow, a meeting that I invite everyone to, where we will be dealing with the subject of people of African descent in Latin America who have been largely ignored, notwithstanding there are 150 million of them, and they are moving forward in a very important way.

So this kind of refreshes our minds as to where we are, what the struggles are. Reparations is still more than a dozen years old in the Congress, but it is many, many more years old, and we are still struggling to get a fair hearing here.

The criminal justice system speaks for itself. Racial profiling, even though outlawed, is still practiced widely; and with the terrorist activity, there are

those that argue that we should relax racial profiling because Arab Americans should be subject to different criteria than other people, while law enforcement has repeatedly stated that racial profiling is a poor police technique.

Mr. Speaker, we have a health system in which the discrepancy of health statistics between people of color and not of color are widely known, and the Congressional Black Caucus is working very hard on that.

Our unemployment statistics are double everybody else's, have been and still are.

I cannot help but raise the question: How long are we going to tolerate African American slums and ghettos in the major cities of America? They could have been wiped out in one fell swoop generations ago, and yet they are allowed to persist with Band-Aid programs.

The AIDS crisis is a question of color because many people of color have no way of getting any assistance whatsoever, or the prevention techniques are not made available.

Haiti is a question, and I always am intrigued by Americans who say, why are you so interested in Haiti? Haiti is the place where African slaves were transported, the indigenous people were eliminated, and this is the closest black country on the Western Hemisphere, the only black country in the Western Hemisphere and is the nearest you can get to Africa without leaving the Western Hemisphere.

We have the problem of the disparities in the treatment by our own State Department of the 48 States that compromise the continent of Africa, and that is even though we have an African American Secretary of State. We are struggling just as we always have.

Affirmative action has been under constant legal threats, and I am not proud to say that in the Eastern District of Michigan we had a decision that came out so badly that it is almost unbelievable, and it is going to make its way up to the courts.

These are some of the concerns that I have.

I will be in Philadelphia celebrating Black History Month. I want to read other Members' remarks. I think they would make a very interesting paper, document or book, and I would volunteer to work with the gentlewoman on that kind of activity. I congratulate all of my colleagues who have chosen to participate this evening.

Ms. LEE. Mr. Speaker, I thank the gentleman. Listening to the gentleman from Michigan is like listening to a history book. The gentleman reminds us how far we have come and how far we have to go.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), a great woman who fights every day on behalf of her constituents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for participating in

leading us in this effort, along with the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus, particularly allowing for us to focus on revisiting The Color Line: Is Racism Still Alive?

In listening to my colleagues, each have offered a different perspective; and I might, in the moments that I have, and I would like to be able to come back to the floor tomorrow to elaborate on the system of justice that concerns me greatly.

It is important to note that we have made progress, and I do believe that all of us who have come here have indicated that we know that slavery in its technical sense is over. The Jim Crowism of the early 1900s is over. Segregation of the deep South is claimed to be over.

I am reminded of 1901 when the last African American Congressperson was drawn out of this Congress. In fact, there was no African American who sat in the House of Representatives, similar to what we have in the other body, where no African American sits now in the United States Senate, and we now enter into the 21st century.

Although we can say to our colleagues and to all of America that there have been strides, we do have a knowledge of African American history. We can cite W.E.B. Dubois and Booker T. Washington. We can cite the work of George Washington Carver. We know that the street light was designed by an African American. We are quite familiar with some of the military generals, particularly General Davis. We are familiar, of course, with the men and women who fight in the United States military and the strides they have made.

We are familiar with the new millionaires and CEOs like Dick Parsons of AOL, Ken Chenault of American Express, Franklin Raines of Fannie Mae Corporation, and Stanley O'Neal of Merrill Lynch; and many people would cite that as a fact that we have made great progress. But I would just bring some attention to some of the cancerous sores that continue in this system that really should bear attention and ask the question: Is it because of color?

Is it because of color that we go to inner city schools and find the inequities in the funding systems where our children are not learning?

Is it because of color that we find that if we have what we call alternative school systems where you put children who have been designated as troublesome that you will find, go there and find a large percentage of those being minority children?

Is it the issue of color where you are not finding male role models in the public school systems or a multitude of them as principals in the administration where we are teaching our children?

When we look at our juvenile justice system, and we have looked at it across

the country. When I first came to Congress, I traveled around the country to visit with various States about the juvenile justice system. That was at the end of the time or maybe at the beginning of the time when our mind-set was to lock up juveniles and throw away the key. It was interesting when we looked at those percentages, the high percentage of incarcerated juveniles were African American young people and in large part African American males.

In Harris County, Texas, we find a large percentage of those in courts who do not go home. When the judge gets to ruling, he would say, you go home with your parents. We are putting you on probation. We are giving you a warning, if you will. A large number of those are not African American young people. A large percentage of African American young people are sent to the Texas Youth Council.

We do have an inequitable system that points to the need to address the issue of color. I believe as we look at the incarcerated persons in our Nation we will find a higher number on death row who happen to be African Americans who did not get a high school education. Those are systemic problems that point to the issue: Is race an issue?

As I applaud the success that we have had, applaud the number of lawyers and physicians who have graduated from our schools, I want to point to the fact that those numbers have gone down.

Lastly, I would say what we need to entertain, we need to have an overall, wide national discussion on this word called reparations so it is not stigmatized by the lack of understanding what it means. At the ending of slavery, it was announced that those who were freed would get 40 acres and a mule. Some people view that as a joke, but it was economic compensation for the 400 years of slavery. That was never fulfilled.

And although people will say I did not cause slavery, it was not me, I grant you that, but it is extremely important that we as a Nation not only express the apology to seek forgiveness for what happened to throngs of African Americans who are the ancestors of those who suffered the brutality of slavery, but it is necessary for us to have a fair, calm, generous discussion about what reparations really mean and how we can move this country forward as we did for the Japanese that were interned, as we did for those in the experiment.

□ 1830

Let us do that, and I believe then we will answer the question whether racism is alive and as well we will heal this Nation and come together as a unified Nation as we should.

Mr. Speaker, I rise today to pay homage to all those great African American pioneers who made it possible for me to stand today. It is truly on their shoulders that I stand, and I am

honored to carry their legacy of justice, freedom and equality into future generations.

The question often arises in contemporary society, "Is racism still alive?" After all, as many would point out, African Americans and other minorities in this country have achieved greatness despite centuries of slavery, decades of discrimination, and an attitude of hatred that continues to permeate our society.

The number of African American elected officials has increased by 3,000 percent since 1963, the year of the historic March on Washington. Black college graduates have increased by 400 percent, and African American consumer power is equal to that of more than 200 countries, including Australia, Belgium and Hong Kong.

And stories like Newsweek's coverage of the four extraordinary black men who head multi-national corporations—Dick Parsons of AOL Time Warner; Ken Chenault of American Express; Franklin Raines of Fannie Mae; and Stanley O'Neal of Merrill Lynch, who control 300 billion dollars worth of market capital and employ 300,000 people—these are extraordinary success stories and extraordinary statistics.

Mr. Speaker, that might be the end of the story, but it is not. Today, African Americans are still under-represented in business, government, and higher education. African Americans are the largest growing AIDS population, and represent a disproportionate percentage of all major illnesses. Twenty-five percent of all young black males are, or are predicted to be, under the jurisdiction of the criminal justice system.

Perhaps these statistics paint a more realistic picture of the status of race in America, but statistics are not enough. While racism no longer hides behind Jim Crow laws and restrictive covenants in housing, racism is unfortunately alive in America.

Today, it hides behind the cover of public policies that disregard the poor; attitudes that deny access with subtlety; and ignorance that blinds the nation. Racism fears the outspoken greatness of academic pioneers like Harvard University's Cornell West, much like it feared the greatness of Harvard's first African American graduate, W.E.B. Dubois.

When America becomes truly committed to ending racism, we will see an immediate end to racial profiling; an end to an educational system that relegates black students to inferior preparation; and a criminal justice policy that judges individuals by their character and their deeds, rather than the color of their skin. The color line must be visited on a regular basis—for as Cornell West reminds us, the color line is too significant to ignore.

Ms. LEE. I want to thank the gentlewoman from Texas for reminding us in a very clear and forthright fashion of the unfinished business of America.

Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a great woman who constantly and consistently reminds us of the needs of rural America and of all of those issues that America needs to address in each and every one of our policy decisions.

Mrs. CLAYTON. I thank the gentlewoman for yielding and for her leadership in calling to the attention of the American people the history and achievements of blacks, or African

Americans as we label or refer to ourselves.

The history and achievement of blacks or African Americans in the areas of business and wealth creation has been one of great amazement and achievement. I was reminded recently of a book that described the life of a Reverend William Washington Brown who lived in the 1880s. He is a former slave, and coming out of slavery he organized businesses throughout the Northeast and Southeast, from Georgia, Florida, Alabama, Virginia, South Carolina, even up to Massachusetts. He organized banks, he organized insurance companies, stores. This is a former slave himself.

He did it by organizing something called the United Lodge. He was establishing these lodges throughout the States. It was called the United True Reformers. It was the reformers who felt that you could bring dignity to yourself by being industrious and having wealth and working hard and bringing together your collective economy and owning something yourself. What a marvelous idea.

This person learned to read and write after he was an adult. He became a minister, and he wanted to pass that on.

We have a great history in the area of business, and so we have a lot to celebrate in the whole area of business ownership. There are great businesses now, insurance businesses now, a lot of them that we ought to celebrate. African American banks and ownership of those, again we ought to celebrate those. Those are achievements. But there are not enough of those opportunities.

In my own background, my father worked for a black insurance company for more than 42 years. I remember my brother and I saying that we were going to grow up and own an insurance company. That insurance company, of course, we never did, but that insurance company became another insurance company, and now it is called the Atlanta Life Insurance Company. In my own State now, we have the North Carolina Mutual Insurance Company.

I cite that to say there has been progress. We are acknowledging that. But when you examine in the full achievement and expansion and opportunity for business and banks and wealth, it has been minuscule. So the question is, if a former slave could do this early on, if it were not for race, then why is it that that pace has not continued?

By the way, the story on the United True Reformers is that they found a way to break that up. It became too powerful. You can organize banks in Massachusetts and Georgia, you can have insurance companies, you can have people selling things for churches. If you can understand the power of that, the system broke that up.

Well, the system not only breaks up businesses but also breaks up the wealth of land.

I wanted to, in my last few minutes, talk about the land. You remember early on when we moved from slavery to freedom, there was this great promise, but more than that, we as African Americans were people of the land. We owned a lot of land. It is reported that in 1910 we had more than 15 million acres of land. Today, it is reported that we have something less than 2 million acres. I ask the question, what has happened from 1910 to now 2002 that indeed blacks do not have that land? What in the system has allowed this?

So the question of race continues to find us in the opportunities of business and also in the ownership of land, some of the ways obviously that we are found.

By the way, there was a wonderful series of articles by the Associated Press. They had a three-part series, 10 articles, and they examined more than 100 takers of land in 13 southern States and border States. They examined documents and others so that we would know that this was not just anecdotal evidence but really was written evidence. The history shows that there were different methods that were used to defraud or to take land from African Americans. They were, obviously, through intimidation, violence and even murder. That was early on. Now the system is a little less violent, but nevertheless the results are the same.

So the results we use now is in selling the land for taxes, having eminent domain, petitioning the land. All of that finds a way of disenfranchising the many people who own land.

I would say that the question of race is a persistent one. The question of race is not only in individuals but is also corporate. I think we need to find ways where we celebrate the history of everyone, and we need to find ways where this country can make sure that the opportunities for America is celebrated by everyone.

I want to thank the gentlewoman for the opportunity to participate and to acknowledge that we have indeed made great progress. We have reason to celebrate that America has brought opportunity, but also it has many ways we can improve this for everyone.

Ms. LEE. I want to thank the gentlewoman from North Carolina for once again educating us and for all of her work on behalf of everyone in our country.

Mr. Speaker, I yield to the gentleman from Alabama.

Mr. HILLIARD. Mr. Speaker, I have titled my remarks "The Color Line Revisited, Is Racism Dead?"

Mr. Speaker, I rise to address the question, is there still a color line in America?

Mr. Speaker, when I visit the unemployment office, the persons there are mostly black. When I fly home on the airplanes, the persons there are mostly white. When I go to prisons, Mr. Speaker, most of the prisoners are black. When I visit our inner city schools which are underfunded, overcrowded

and often in bad condition, the children are mostly black. When I visit the private academies in my district, the children are mostly white. When I see the victims of police violence, Mr. Speaker, the policemen are mostly white. The victims are mostly black.

Yes, there is a color line in America. This color line is green, the color of money; it is red, the color of the lines drawn through black neighborhoods by banks; it is blue, the color of the skin of the black homeless freezing on side streets; it is gray, the color of prison bars; it is yellow, the color of the eyes of junkies in the inner cities.

Mr. Speaker, yes, there is a color line. It is a line on the soul of America. It is a line on the mind of America. It is a line around our cities, around our neighborhoods and around our banks. No, it is not absolute as was the line of segregation. It is smeared and vague and in most cases denied, but it is there. It is everything except what they call it. But it is real. It is the line that tells the truth on America. It is a line that defines the heartbreak of America. It is the great sin of America. It is the line that splits our Nation. It is what it has always been. It is discrimination. Yes, it is racism.

Yes, Mr. Speaker, there is a line in America. It is a color line. That line is racism. Racism is alive and flourishing.

Mr. CLAY. Mr. Speaker, each year during Black History Month we honor the many great African American men and women, who over the course of our nation's history have made important and lasting contributions to our country and its people.

It is also a time that we, as a people, examine our place in American society. Through this examination, we identify and celebrate our achievements, while also rededicating ourselves to overcoming those obstacles that still confront us.

Here in America, people are born equal and made unequal by their surroundings. These conditions create a socioeconomic gap, where birth and inheritance breed success, while merit and hard work are frequently meaningless.

It is worth noting that, more often than not, the roots of this socioeconomic gap have come from the seeds of racism.

But let's assume for the sake of argument that racism is dead. I certainly will not claim that race makes no difference in society today, but this assumption will help prove a point.

Let me first say one thing: Wealth and poverty are inherited more than they are earned. Because of this fact, we need to do more to resolve race-based inequalities within our system.

The battle over affirmative action has been, more than anything else, an attempt to solve the social inequalities based on race in America.

It is a means by which people who come from poor quality public schools to move up the socioeconomic ladder, whereas without such a mechanism, escaping the lower class is extremely difficult no matter how hard you work.

But assuming racial preferences are dead, there needs to be some kind of remedy to ensure at least equal opportunity at success.

Those opposed to racial preferences claim that it is the way affirmative action actually equalizes the playing field that is unfair. But this argument only works if an alternative solution is proposed and enforced.

This has not happened. So in the absence of affirmative action, the best solution to leveling the playing field in educational opportunity is to equally fund all public schools.

All Americans should want to eliminate any barriers that underprivileged people now face in attempting to educate themselves and make a decent living.

In the meantime, there is still something to be said for hard work. But at the same time, when hard work cannot save a large portion of society from living a lower-class lifestyle, our system of capitalism is failing.

That is why it is imperative that public schools be funded equally and that people who can't afford college tuition can still go to college if they so choose.

Capitalism relies on the theory of competition, and the hardest work and greatest talent paying off the most. Right now, the hardest work and greatest talent can get you nowhere or anywhere depending on where you start from.

For a capitalist system to hold true to its ideals—and to even be efficient—it must allow people from all types of backgrounds to have the same opportunities; or else the best will not always reach the places where they can be most productive.

This will never occur until we have equal funding and equal opportunity at all levels of our educational system.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, in harmony with the theme that the 1-hour presentation on Black History Month has set forth, is there a color line, is there racism, emphatically, yes, there is. This does not prevent us from noting the positive achievements that have taken place and the progress that has been made. We are quite pleased that there are now 39 Members of the House of Representatives who are African Americans. We have gotten back what we lost certainly after the Civil War. There were some 30 representatives elected, some in the Senate as well as the House.

All that was lost. Step by step we have seen gains wiped out over the years during reconstruction, and for about a hundred years before the civil rights movement under Martin Luther King we were steadily going backwards and every achievement that was accomplished was accomplished without the help of the mainstream population, just about every achievement. Many of the achievements were accomplished despite a great deal of hostility and animosity from the mainstream population.

I sit on the Committee on Education and the Workforce and, of course, am very interested in all aspects of edu-

cation. The historically black colleges and universities, fortunately, are in the spotlight and have been the recipients of quite a bit of Federal attention from both parties in the last year or so; and in the last 10 years the Federal Government has stepped up to the plate and provided special assistance to the 113 historically black colleges and universities. They were established and they achieved a very important role, have come to a very important role, achieved a very important place in African American society by educating those who could not get an education anywhere else. Many of our leaders of today still are graduates of historically black colleges and universities.

But the history of those institutions is a history where they got very little help from the mainstream society, and they received a lot of hostility and animosity from the local communities. The southern communities were often very hostile toward the so-called intellectuals who were in the black colleges and universities.

Even after the Morrill Act, the Federal act which established land grant colleges in every State, even after that Act was amended to establish a parallel land grant college in the segregated States where blacks were not allowed to attend the land grant colleges, even after that happened, there was tremendous discrimination. The amount of money received by the land grant colleges which blacks attended, were allowed to attend, were allowed to set up and provide a faculty for, et cetera, was much smaller. The amount of money was much smaller. That historically was the case, and even today those same land grant colleges established by the Federal Government are receiving less funding from the States than the land grant colleges that serve primarily the mainstream population, traditionally white land grant colleges.

So every step of the way there have been impediments. Is race a factor? Yes, unfortunately, it is. All over the world you have racism, and certainly you have racism in the United States. But the important thing is to note that we must operate and act and work constantly to make certain that the negative impact of racism is not used to make other people suffer. We must alleviate as much racism as possible, counteract as much racism as possible, pass laws which keep racism in check. That is the best we can do.

History has shown us that the only way we can guarantee that you will be able to make the progress that these institutions have made and be able to cite the positive accomplishments is that some group has to work against the prevailing, ongoing racism. We have had in America a golden opportunity to do that.

□ 1845

What makes America great is that it provides the room, it provides the leeway, to fight; and we have fought and accomplished a great deal, despite the racism.

I would like to look forward to the day when an American President could say that he wants to apologize for slavery and receive the overwhelming support of the American people. Unfortunately, when President Clinton implied that he might want to do that in the last year of his term, he was criticized; and there was a poll taken and the majority of white Americans, 70 percent, said no, there should be no apology for slavery.

We can apologize for the Holocaust. The Germans can apologize for the Holocaust, and the Japanese asked to apologize to the Chinese and Koreans; but there should be no apology for slavery, the majority of American people said.

That is unfortunate, because the opposite of not apologizing is covering up. It does not mean I refuse to apologize; but it means I will cover up, and we will continue to cover it up.

The only way we can break the back of racism and guarantee that racism will not be harmful is to recognize it and jointly, black-white, all minorities, work together to try to alleviate the harsh impact and effect of racism, so everybody in America has an equal opportunity to go forward.

Black History Month is a time to celebrate those positive achievements; it is also a time to remind everybody that we cannot achieve unless we recognize the truth of racism and attempt to combat it.

REQUEST FOR OUT OF ORDER SPECIAL ORDER

Mr. PAYNE. Mr. Speaker, I ask unanimous request to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New Jersey?

Mr. MCINNIS. Mr. Speaker, reserving the right to object, my understanding from the gentleman's side was that they were, first of all, going to run about a half an hour, but they certainly are entitled to an hour, so I have no objection to that.

But now this is the second 5 minutes, and I would like to know when the speakers are going to end. We have another speaker behind myself, and we would like to stay on schedule. I was assured by the gentleman's side a few moments ago they had one 5-minute request, and now we are into two 5-minute additional requests. They have had an hour.

I guess I would just like to know from the gentleman's side, how much longer it is going to continue.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I am sorry if there was a misunderstanding. We thought the gentleman was advised there would be two speakers. However, the gentleman certainly has the right to object.

Mr. MCINNIS. Mr. Speaker, continuing my reservation, I am going to let the gentleman go if he will just let me know, is this it?

Mr. PAYNE. This is definitely it.

Mr. MCINNIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I thank the gentleman for removing the objection, and we certainly do apologize for the misunderstanding.

Mr. Speaker, I am pleased to have the opportunity to speak this evening on this year's theme for Black History Month, "The Color Line Revisited: Is Racism Dead?"

While we all wish that we could proclaim the end of racism, we know that we are not there yet. We continue to hear disturbing stories about racial profiling in my State of New Jersey, where it has been admitted by the New Jersey State Police that they were not only doing it, but trained in how to perfect it by disguising numbers and falsifying reports.

We hear the question is racism dead, but we hear about the unequal opportunities in our school system, where the dropout rate continues to soar, where the great author Jonathan Kozol wrote a book, "Savage Inequalities: Children in America's Schools," where he highlighted how race and economics have a great deal to do. In the mis-education of people, we ask, Is racism dead?

We take a look at the whole question of home ownership and employment, where we find that only 45 percent of African Americans own homes in the United States, where 75 percent of other Americans, white Americans, have been able to achieve that level. We find that it is difficult in many instances to get the finances to do that.

We have the question of health care, where African Americans' life expectancy continues to drop about a month or so each year, where the white population's life expectancy increases about 2 months per year, therefore making a disparity in a widening gap in life expectancy in our great Nation.

However, we in the Congressional Black Caucus have worked hard to overcome these obstacles. Despite setbacks along the way, we are making sound progress. We continue working on innovative initiatives at all fronts as we meet weekly to promote our agenda, and we have seen much success and progress as we continue to move forward.

Black History Month offers us an opportunity to honor many African American heroes who have been largely left out of the history books.

When I was growing up, I loved history; and I learned about the midnight ride of Paul Revere who came and warned the colonists that the Redcoats were coming. However, I never was taught about the first man who gave his life for our Nation's independence, who was an African American, Crispus Attucks, who was killed during the Boston Massacre incident the night of March 5, 1770. Today, there is a monument to Crispus Attucks in Boston inscribed with the words of John Adams: "On that night the foundation of American independence was laid."

As a student I was taught about Teddy Roosevelt and the Rough Riders and the crucial battle at San Juan Hill during the Spanish-American War. However, I did not discover in school, but later, about the story of the Buffalo Soldiers, who had a very low desertion rate, who had a low alcoholism rate, which were prevalent in the cavalries at that time; and the fact it was the Buffalo Soldiers who prevented the annihilation of Teddy Roosevelt at the battle of San Juan Hill. That was kept out of the history that I learned. The Indians gave the Buffalo Soldiers that name because the buffalo to them were a symbol of courage.

Finally when we were taught about Admiral Peary and told of his skill and courage in reaching the North Pole, I was so proud of that great explorer. However, it was only in recent years that we did learn that much of the credit should have gone to Matthew Henson, an African American who was on the expedition. Admiral Peary became sick, became snow blind, his feet were injured, and he had to slow down and stop. But Matt Henson went forward, provided a camp, and waited for Admiral Peary to come there. At that spot, it was the North Pole, and it was Matt Henson that got there first. However, when Admiral Peary returned home, he was given awards by the White House and the Congress. Mr. Henson was not invited to participate.

So as I conclude, I think we should resolve to teach our children the lessons of history every day, so that they may take pride in their rich heritage. We are all proud to be Americans today, more than ever before; and we are especially proud of our African Americans who have contributed to the growth and development of this great Nation.

THE ISSUE OF WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I wanted to talk about a subject that is near and dear to my heart, obviously a subject that is important to all of us, no matter where you reside or what district you represent in the United States, and that is the issue of water.

Now, water generally is a pretty boring subject, as long as it continues to run out of the tap, or when you turn on the bath water it is there, or when you want to go fishing and the lake is at the right level. But water is a very critical issue for us to keep an eye on.

The United States is very unique in that the geographical layout of this country is such that water is dramatically different and the issues dealing with water are dramatically different in the western portion of the United States than they are in the eastern portion of the United States.

For example, half of the land mass of the United States, half of the land mass, which I will point out a little later on, only has 14 percent of the water. If one draws a line down, say, between Kansas and the State of Missouri, from north to south, that eastern portion has 70-some percent, maybe 72 percent of the water in that smaller portion of the Nation. So we have got a Nation that is large, but the water is not equally divided.

Likewise, the State that I represent, the State of Colorado, is the only State in the Union where it has no inflowing water. No water comes into Colorado for use within the borders of Colorado.

Colorado is a very unique State, and I intend to spend some time this evening talking about the relationship of Colorado to the Nation's water, specifically the Colorado River. The Colorado River, of course, is called the Mother of Rivers.

Colorado is interesting in that Colorado is the highest State in elevation of all 50 States in the country. In fact, there are about 67 mountains in the United States, including Alaska, that are over 14,000 feet, and of those 67 mountains, 56 of them, I think, 56 of the 67, you find in the State of Colorado. Mountains over 13,000 feet, there is like 700 mountains in the United States that are over 13,000 feet; and of those 700, 600 of them are located in the State of Colorado.

That is critical. The reason the elevation is critical because, obviously, at the higher elevations is where you have your massive accumulations of snow and moisture during the winter months. That, of course, is very determinative as to what kind of spring runoff and what kind of water you are going to have for a good portion of the Nation as far as surface water is concerned for your months where you do not have heavy moisture.

Colorado really is a very dry State. In fact, that part of the west of the United States is a very arid portion of the Nation. It gets very little moisture. I will give some statistics as we go on into this conversation we are having this evening.

But when one takes a look at Colorado, it is very arid during most months of the year, which makes it even more dependent on those winter months and that snow accumulation and its relationship to the months that we have very little rain.

By the way, I never really knew what rain was until I came to the East. In the West our droplets are very cold and very little droplets of rain. You come to the East, man, it seems like it rains forever. But out there in Colorado we are very dependent in the months where we have very low rainfall, which are most months of the year. We then have to rely on the water that we have either been able to store or accumulate because of the snow that has come down on those mountains.

What is interesting in history is one of the first dams ever discovered goes back in the Mesa Verde National Park around 1,000 A.D., and there they found an ancient irrigation system. It did not take man very long to figure out that water does not always necessarily flow on where you need it and when you need it. So when you need it, that is when man first began to develop some way to store it, because, obviously, the stream did not stay at the same level all year-round and where you needed it. It led man for the first time to take water and move it from its natural course, to divert it to where the man or animals or agriculture needed it.

Every person in America diverts their water. Every person in America diverts water for their use. That is how you get water diverted from its source into, for example, your house, or onto your farm field, or into your communities, or into the buildings that you visit. So there are a lot of interesting things about water.

But you can start off by looking at the water supply throughout the world. When you notice the water supply in the world, something is very interesting: 97 percent, 97 percent of the water supply in the world, is salt water. And until we are able to come up with desalination at an economic price, and I am sure the future generations will be able to do that, but for our generation in existence today it is not economically viable to take that salt water and convert it to clear water with any kind of quantity. So 97 percent of the water in this world really right now is pretty much off limits.

Then you take a look what the balance is, and the balance of the 3 percent. You have got 3 percent left of water that is clear water. Most of that 3 percent, most of it, almost all of it, in fact, again 90 percent of that 3 percent, is water that is not salt water, but it is tied up in the iceberg, frozen solid, so we do not have access to that as well. So really the amount of water that is available for consumption that does not have high levels of salinity is very limited when you look at the picture as a whole.

Now, as I mentioned earlier, it is pretty interesting, because a lot of people, including myself, I was stunned when I first saw this poster to my left, and I would like to point out some of it to you, because I think it is pretty interesting.

It is amazing, it is stunning, to see how much water is necessary, how

much water the average person uses in their daily consumption. I do not mean just glasses of water or the bottles of water that one may drink during an average day. I am talking about the quantity of water that is necessary for your food, for example, or for your everyday living needs.

I think this chart is one of the best demonstrations that I have seen of what water usage is, so you have a pretty accurate picture of just how dependent you are on water. Water usage. Americans are fortunate. We can turn on the faucet and get all the clean and fresh water we need. Many of us take water for granted.

Have you ever wondered how much water you use each day? Look at this chart. Direct uses of water. Drinking and cooking, 2 gallons. Now, this is per person. Per person. Two gallons of water to drink it and cook with it. Flushing the toilet, 5 to 7 gallons per flush. Now, that has come down just a little with the new toilets we have, but basically that number will probably be accurate going from about 3 to 6 gallons per flush. Washing machine, if you do one load, 20 gallons of water just to do a load of wash. Your dishwasher, 25 gallons per load. Taking a shower, 7 to 9 gallons per minute.

Now, look at this: growing food. That is what is really fascinating. In order to produce one loaf of bread, in other words, prepare the farm field, grow the wheat, et cetera, process the wheat, bake the bread, et cetera, one loaf of bread requires, by the time that loaf of bread is ready for consumption, 150 gallons of water.

□ 1900

Mr. Speaker, 150 gallons of water to prepare one loaf of bread. One egg. One egg. That is not a dozen eggs; one egg requires 120 gallons of water. These are numbers that we have never even imagined. But take a look at it. One quart of milk, 223 gallons of water to produce 1 quart of milk. A pound of oranges, it takes 47 gallons of water. A pound of potatoes takes 23 gallons. It takes more than 1,000 gallons of water to produce three meals a day for one person. For one person to have three meals a day, it takes over 1,000 gallons of water to produce that food product. So clearly we can see that the amount of water that is consumed in our society is primarily consumed for our agricultural needs.

What happens to 50 glasses of water? This chart I think demonstrates what I have just said. If we lined up 50 glasses of water and we begin to move those glasses as to where their consumption was, we would take our first 44 glasses of that 50, scoot that aside, that is just what is necessary for our agricultural requirements in this country. Three glasses are used by industry for production. In other words, even the wheat production, we take the wheat off the farm, we move it into a production facility, say, for example, to bake the bread. Those requirements are about

three glasses; three of those glasses would go for those requirements. Two glasses are used by the cities, and one-half of a glass is used out in the country. I think it is a pretty interesting chart. It lets us realize just exactly how important water, how important water is.

Let me move on just a little from there. I think this is a pretty clear map right here to show some of the differences, pretty dramatic differences of the layout of the United States. Remember that when they settled the country in the early days, that most of our population lived on the East Coast. The population in the United States is not evenly spread now. In fact, I heard a statistic the other day that if we took all of the population and put it together like in one large city, it only takes a very, very small fraction of the amount of land that currently exists in the United States. Obviously, our population is not put together like that, it is spread out through the country. But in the early days of the founding of the United States, the population was primarily focused on the East Coast.

As our government began to acquire additional land, to expand this ever-growing Nation, to create the United States of America, as they acquired this land, they had to figure out how to really get control of the land. Now today, in this country, when we buy a piece of property, we do not actually have to be on the property. We can have a piece of paper, a little thing called a deed; and that deed filed at the courthouse protects our rights on that land. But that is not how it was back then. In fact, a piece of paper really was not worth a whole lot. The only way back then, or the primary way back then for one to protect the rights that one had on that land was to possess the land. That is where the old saying came from, that possessions is nine-tenths of the law. That is exactly where that came from.

So in the early days of the founding of this country, as we began to acquire this land, our leaders back on the East Coast said, how do we encourage people, how do we get people to leave the comfort of the East Coast and move to the West? West being maybe only as far as western Virginia, or not very far west at all. How do we get people to move out there? How do we settle this country.

Well, the answer was, look, everybody in America, the American dream, even in its early stages of this country, the American dream was, one, individual rights and, two, the opportunity to own a piece of property. In other words, the land would not be owned by the government. People got to own a piece of property that they could build a home on, that they could farm on; and back then, in excess of 98 percent of our population lived on farms and agriculture and put their hands in the soil. So owning a piece of land back then was just as important as it is today. We all dream of owning our own homes.

So our leaders decided to take advantage of that and say, look, the incentive that we should give to these people is if they will go out and help us settle the West, help us settle this new country, we will give them land, the land grants or the homestead acts. Remember that it was not new. It had already been tested. In fact, our government used it during the Revolutionary War to try and bribe British soldiers to defect and come over to our side; and if they did, we would give them a land grant or we would give them a homestead. That land could be their land that they would individually own.

Well, this worked pretty well. The government began offering, and we can see by this chart entitled "Government Lands" the government began to see the populations become westward and moving to the west. Do we know what happened? We discovered that on 160 acres out in Kansas or Missouri or even in eastern Colorado or up in Nebraska where some of the most fertile land in the country is, all of these people out in Virginia, a family could be supported off of 160 acres, that the soil was so fertile that that was an adequate amount of land to give.

But then word got back to Washington to our leaders. Hey, we are having a problem, because as the population begins to hit those high elevations in Colorado, when the population runs into the mountains, the Rocky Mountains, the Continental Divide, they are not staying there, because they are discovering that with 160 acres, one can not even feed a cow with 160 acres. They cannot possibly support a family off only 160 acres.

So our leaders in Washington sat down and said, How do we persuade people to go ahead and settle in these areas? What is happening is they are going around to the Imperial Valley, as demonstrated here in California where we have this white spot. So they had a lot of debate back in Washington; and the conclusion really was, well, one of the ideas or one of the solutions was, let us give them a proportionate amount of land. If 160 acres is what is necessary in the State of Nebraska to support a family, let us give a family in the Rocky Mountains 3,000 acres. Maybe that is what is necessary to support a family.

Well, during this period of time from a historical basis was also the time when we had the building of the Continental Railroad, for example, and other land grants that were going out there. Washington was under a lot of pressure not to give away so much land.

So the conclusion was, look, giving away 3,000 acres to just one family is too much land to give to just one family. We cannot just give it away like that. So somebody came up with the idea of well, instead of giving the land away, why does the government not go ahead and retain title. The government will continue to be the owner in name of this land, but we will let the people move onto the land. We will let the

people use the land. We will come up with a new concept called multiple use. We will let people use the land for many purposes. They can live on it. They can have roads on it. They can recreate on it, fish on it, enjoy it. Let us do that. But for formality purposes, we will just keep it in our names so we do not have the political pressure of giving away too much land. That is exactly what happened in the West.

On this map to my left we will see that all of the colors on this map indicate government-owned land. We will see in the East, it is almost, with the exceptions of the Appalachians down here, a portion of the Everglades, a little up here in the Northeast. But some of these States do not have any government land at all to speak of. Their government land is the local courthouse. But when we hit the West, look at what happens. Big blocks of land.

Now, some people today, I would call them revisionists who like to revise history, would like us to believe that the reason the government owns this land is that that was to be preserved to the extent that human use was to be eliminated, and their goal is to take multiple use and get rid of multiple use. One of their goals too is when people want you off this land, what is the best way to get you off the land? If they cannot get the Congress to go along with it, if they cannot get the population to support it, then go for the most important asset that you have on that land, and that is the water, which brings us to kind of a full circle in our discussion of water.

It is interesting, because right through here we have something called the Continental Divide, and Colorado follows my pointer here as it goes down through this way. The Continental Divide, although most of us know what that is, but it is very interesting; it is a dynamic of nature upon which side of the line we can actually see it in place. The Continental Divide, the water on one side goes towards the Atlantic, the other on the other side goes towards the Pacific. The Continental Divide is really, at those high elevations where the Continental Divide is, that is where water is amongst the purest water; and that water is very important, not just for human consumption, but actually, a lot of that water is important to allow it to flow into the streams so that it can flow down and protect our environment. There is lots of multiple uses, not just on the land, but multiple uses of the water.

Now, Colorado begins to emerge in the country as probably one of the most critical, if not the most critical State in the Union in regards to water. One, as I spoke of earlier, the high mountain ranges and the accumulation of water. Colorado provides water for what, 26, 27 States. Colorado provides water for other foreign countries. The country of Mexico, for example, actually gets water from the State of Colorado from the Colorado River, the Colorado River Compact, the compact that

they made with Mexico. It is interesting how Mexico, down in this area, ends up getting water that originates, 70 percent of the water in the Colorado River Basin originates in the high Rocky Mountains of Colorado. Now, how does Mexico end up getting rights out of the Colorado River? Interesting story. Not really the basis of this speech, but interesting enough to bring into these comments this evening.

What happened was, during World War II there was a concern that the Japanese would invade Mexico. So the Mexican Government came to the United States, and we had a mutual meeting. Mexico did not want the Japanese in Mexico. The United States did not want the Japanese right next to them in Mexico, so they made an agreement. And the agreement was that if the Japanese or the Germans or the axis there, the enemies, if they crossed the border or if they attempted an invasion of Mexico, the United States would enter Mexico and defend Mexico. They would fight for Mexico. They would fight to push them back out of Mexico.

Now, of course, the Mexican Government seemed to have a little leverage, I guess we would say. They seemed to be a little smarter in the negotiations. To summarize it, it is accurate to say that the Mexicans said, all right, it would be a good idea, United States, for you could come down and defend us if we are invaded; but you know, for you to come across the borders and come into our country to protect us, it really ought to be worth something to you because you do not want the Japanese in here either, so why do you not give us a part of the Colorado River. So the Colorado River is actually designated for the country of Mexico.

Now, Colorado is the home for four major rivers; four major rivers have their head waters in the State of Colorado. We have the Platte River, we have the Arkansas River, we have the Rio Grande River, and one of the rivers that I am going to focus on today, and that is the Colorado River. The Colorado River really is called the Mother of all Rivers, the Grand River.

Let me talk a little about the water climate in the State of Colorado. I would remind my colleagues that Colorado again is unique as we look at our maps, and the line would be very hard for my colleagues to see, but basically, this is the State of Colorado. This is the only area of the United States right here, the only area of the United States where there is no water that flows into the State for its use. Every other State in the Continental United States, every other State has water that flows into their State for their use. Colorado is the exception.

Keep in mind, also, my earlier comments. If we drew a line here down through Kansas and Missouri out like this, this portion of the country right here has 73 or 74 percent of the water in the country. This portion of the country right up here has about oh, I do not

know, 13 percent or so of the water is right up in this area. And then for the rest of these Western States which consist geographically of half the Nation, only 14 percent of the water in the Nation has to provide for that massive land area, which makes water storage very critical. The Colorado River, that is where, for example, we have Hoover Dam and Lake Mead. That is where we get huge hydropower facilities.

□ 1915

Water storage is absolutely critical for all of us. In the East we need it for flood control, primarily. In the West we not only need it for flood control, but we need it for year-around usage, so we are able to store the water when the water is coming down the mountain, because most of the months the water is not coming down the mountain in the kind of force we need and are able to store it.

Let me give an idea of our statewide climate. Statewide, Colorado gets 16.5 inches of water each year, although that can vary depending on population. Down in this part of Colorado near Durango, Colorado, we have a pass called Wolf Creek Pass. Twenty-some miles from Wolf Creek, it may snow 15 inches of snow a year. Go those few miles up to Wolf Creek Pass, we may get 550 inches of snow a year. So the geographic nature of the State provides for dramatic differences in the moisture and precipitation that follows.

In Colorado's high altitude, the semiarid climate, 85 percent of the State's precipitation is lost. Eighty-five percent of our water in Colorado is lost to evaporation. Why? Because Colorado as a State is known as the Sunshine State. In the State of Colorado, we have over 300 days of sunshine a year, over 300 days of sunshine a year. At that high altitude, we have to worry about evaporation. There is not much we can do about it, but most of our water that falls in the State of Colorado then is evaporated.

Keep in mind that water, water is the only renewable resource that we have. Now, we have resources that we have not captured the energy from, for example, the sun. But once the sun ray comes down, if we do not capture the energy, the energy disperses and it is gone; a gallon of oil, if we burn it up, it is gone.

But water is a renewable resource. So the key to water is one person's waste may be another person's water. What do I mean by that statement?

For example, on the Colorado River, we may have a diversion into an irrigation ditch. Somebody may say, well, to help conserve on water we ought to line that ditch with concrete so the water does not seep into the soil until it gets to the point we want it. That water seepage into that irrigation ditch may actually provide somebody else's water for a spring.

Today we do not have the technology, although at some point in the future they will have the technology,

but today we do not have the technology to look underneath the surface and see all of the different fingers of water and the connections of water underneath our surface that we cannot see above the surface. So our understanding, really, is based on the best science that we have.

That is why we have to be so very careful when we talk about water, about where we put water storage or how we impact the water, what impact that has throughout the rest of that particular water system.

Let me say that when I said earlier that our snow pack is so important, to give an idea of those few months of snow that we get in Colorado, 80 percent of the water, 80 percent of the water in this Rocky Mountain area comes from snow. Only 20 percent of the water that Colorado gets comes from rain. So we are very, very dependent on that snowfall.

In a year like this in Colorado, we are having a dry year this year, and it runs in cycles. We have not been able to time the cycles, we have not figured out the cycles, but we know it runs in cycles. In Colorado, we have a very dry winter. In fact, some of our snow packs are only about 23 percent of normal.

Right now, it does not bother us because we have all the snow, and 23 percent is still a lot of snow. But wait until about June or July. All of a sudden, Colorado and the States that depend on the Colorado River will have a lot of suffering.

There are cities out there that have no water sources at all except massive diversions out of the Colorado River. One of them we know very well: Las Vegas, Nevada. Take a look at Las Vegas. At the Bellagio, that beautiful water show, that is Colorado River water. The same thing with the State of Arizona, same thing with the State of California, same thing with the State of New Mexico, same thing with Utah, and the same thing with the country of Mexico. A lot of States are very dependent on that high snow in those Colorado Rockies.

Some of these States add to it. For example, the State of Utah, the State of New Mexico, they add a little water to the Colorado River Basin. But, basically, the State of Colorado puts 70 percent of that water into that basin. By the way, of the 70 percent of the water that comes from the State of Colorado into the Colorado River Basin, only 25 percent of it goes back to the people of the State of Colorado. The rest of it is utilized in other States.

In the State of Colorado, as similar to our chart that I was showing earlier, 85 percent of the water that we use in Colorado, 85 percent of it is used for agricultural purposes.

Let me just real quickly go over some kind of fun statistics, interesting things. Ninety percent of our naturally-occurring lakes in Colorado, and we are not a lake State, we do not have massive lakes, but the lakes that we do have in Colorado, 89 percent of them

that are natural are above 9,000 feet. Imagine that, 9,000 feet. That is where 90 percent of our lakes are.

Colorado has 13 different streams that we call Clear Creek, to give an idea how pure and how good that water is. As I said, Colorado is the only State in the Continental U.S. with all major waterways originating within its boundaries.

Water flowing out of the State travels to the Atlantic or Pacific Oceans, depending on which side of the Continental Divide it originates on. On average, 10,400,000 or 10,500,000 acre feet of water leave the State every year. An acre foot is how much water it takes to form an acre I think 1 foot high over a 1-year period of time. Most of the water that leaves the State of Colorado, about 45 percent of it is in the Colorado River Basin.

And 87 percent of the water in Colorado, when we take a look at Colorado, 87 percent of the water in the State is on the western portion of the State. Eighty some percent of the population in the State of Colorado is on the eastern portion of the State, so we can see just because of the dispersement of the population in the State of Colorado, most of our population is not located where the water is; most of the population is located away from the water.

Denver, for example, has no water that originates in Denver. It is the beneficiary of all that water that runs off the mountains. Or in the case of the Continental Divide, Denver, for example, or the cities on the eastern portion of the State, have decided to go over on the other side of the divide where the water runs this direction and redirect the diversion of that water, or the direction of that water, so it flows in reverse order and comes back to the cities.

It is often said that water flows not downhill but flows towards the direction of money. That is exactly what has transpired over the years. Water has been impacted a great deal from what its original intent was.

Let me just go over a few other statistics that I think are interesting. As I said, water sometimes can be a pretty boring subject; but I find it pretty fascinating. Now, all of the Members would be pretty interested in water if they turned on the tap tonight when they went home, they went to take a shower or cook dinner, and there was no water there. Then all of a sudden Members would become real interested in it.

I think tonight the purpose of tonight's comments are to give kind of a basic education and talk really where kind of the apex of water in the United States is and how critical the State of Colorado is for the supply of that water.

The largest reservoir that we have in the State of Colorado is the Blue Mesa. The amount of water, for example, throughout the country in the public water systems, if we have a city water system, do Members know what percentage of that is actually used to cook

and drink? About 1 percent of the city water system. The rest of it is used for all of the other needs one has with water. I thought that was a pretty interesting statistic.

Kentucky bluegrass uses 18 gallons of water per square foot. I do not have the actual statistic here, but it is amazing how many thousands of gallons of water are necessary for just one oak tree, for example. We do not even envision the huge quantity of water that is necessary to support one of those big cottonwood trees or a great big oak tree.

Water and its recirculation through our society, and its recycling, and I do not mean man-made recycling, I mean recycling by nature, is really a feat, and pretty amazing, just to the extent that we know. My guess is that we have only tapped a small knowledge of how our water system in this Nation works.

At any rate, back to my points, here. The Platte River was named, which of course "platte" means "flat," and the water that is used in the Platte River was first used, of course, by the Native Americans. One of the interesting things that the Native Americans used early on in the State of Colorado were the hot springs located in Glenwood Springs, Colorado.

Some may have been to Glenwood Springs. It is a community near Aspen, Colorado. Actually, it is my birth home. But there we have hot springs, and I think the water there comes in at about 180 degrees Fahrenheit. The spring I think puts between 2 million or 6 million gallons a day of water at 180 degrees that comes out of the springs. We use it. We have a huge pool there. Anybody who has been to Glenwood Springs knows exactly what I am talking about.

The Indians used to use that because they thought it was the gods that put it there for health care. We later used it, in fact the Navy used it in World War II for recuperation of its wounded sailors. They would ship them from the oceans into the middle of the country for recovery in Glenwood Springs with the hot waters.

We have a lot of interesting things about the streams that we have in Colorado. We have about 2,000 lakes in Colorado. That seems like a lot, but our lakes are not very big. Our lakes really, in proportion, if we take a look at Minnesota or some of these States that really are States with huge lakes, we do not have much comparison there.

But within the boundaries of Colorado, within the four corners of that State, we have over 9,000 miles of streams, 9,000 miles of streams. So we know we have the highest elevation in the country in Colorado with the Rocky Mountains. We have by far the largest number of mountains over 14,000 feet; and by far the largest number of mountains over 13,000 feet are in Colorado.

Now, we know between all of these mountains, and coming down all of

those mountains, we have 9,000 miles of streams that go through and circulate that water. It is pretty interesting when we take a look at the different divisions that we have.

We have 48 million people in the United States that divert their water off wells. That is below-surface water. The rest of the people in the country depend on surface water. Go back to the Colorado River Basin, here. That river kind of goes like my pointer, down through here, out like this, out into here, and then kind of like that, and out into the country of Mexico.

It is incredible to take a look, and I think I have a chart here. Hydroelectric power. Hydroelectric power from the Colorado River, again, coming back to the Colorado River, where our focus is, hydropower from the Colorado River keeps the lights burning in many parts of the West, including Phoenix, Arizona, pictured here. Phoenix also obtains water from the Colorado River via the Central Arizona Project canals.

There is Phoenix, Las Vegas, and all of those small communities, and many of the cities in California. The Colorado River, we do not really realize the importance of that water, the importance of it not only for the human population, not only for the agricultural population, not only for the energy needs, but for the environment, as well.

The more we know about water, the more deep our appreciation becomes for that miracle matter that the good Lord gave for us to use.

Let me kind of leave the charts here for a minute and wrap up my comments. I am going to do a series of speeches to my colleagues about the resources, the natural resources, we have over there. We have lots of debates on this House floor in regard to natural resource issues, in regard to the environment, in regard to energy and conservation of energy.

I am going to give a number of different speeches to my colleagues, not just focusing entirely on natural resources, but talking about the energy demands that we have in this country, the future for alternative energy that we have in this country, the necessity for conservation of energy that we have in this country; the need to protect our environment, protect it in such a way that it is balanced; the importance of multiple use on our public lands.

I intend to have a very thorough discussion here on public lands. In the East, because they do not have any government lands to speak of, many people do not know what public lands are. I do not hold that critically. I am not saying that critically. I am just saying that they do not deal with them.

In the West, for example, in my district, I have a huge congressional district. I probably have approximately 120 different communities, and 119 of those 120 communities are completely surrounded by public lands. In other words, everything we do in our commu-

nities is totally dependent upon the government's lands. For our water that comes across it, our water that is stored upon it, our water that originates on it, our power lines, our highways, our recreation areas, our agriculture, we are totally dependent on that.

□ 1930

In the East, you do not have that handicap. In the West, it is in fact a handicap; and I intend to spend a few moments with you discussing that, in future moments, when we are here together on the floor. My purpose here tonight is to kind of break the ice, you might say, coming back to water, to talk a little about water.

If you ever have a moment to go to Denver, Colorado, and you go through the State Capitol there, you will find in their rotunda, every painting in that rotunda, in their murals somewhere in that painting has the subject of water, whether it is an irrigation canal, whether it is somebody fishing, whether it is animals drinking from the stream. Water is a critical, critical factor. In fact, the State of Colorado, as I said earlier, is the apex in this country. Four major rivers have their headwaters there. It is the mother of rivers. It is an interesting subject.

I appreciate the moments I have been able to spend with you this evening.

AMERICAN STEEL INDUSTRY CRISIS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes.

Mr. ENGLISH. Mr. Speaker, America is at a critical moment. The domestic steel in its industry and the current workforce retirees and their dependents are clearly at a vital crossroad. Without strong relief under the section 201 action that this administration has called forth utilizing that section of our trade laws, the future of the industry is clearly grim. Thousands of steelworkers already have lost their jobs, and thousands more jobs are at stake. Beyond that, pension and health care benefits are in jeopardy for hundreds of thousands of retirees. Now is the time to provide relief for this beleaguered domestic industry.

The Bush administration took the vital first step by initiating the 201 investigation, and now the results are in. The investigation demonstrated what the industry and its workers have known all along, the rest of the world is not playing by the same set of rules. Meaning, the steel score sheet has long been skewed to provide foreign competitors with an unfair handicap, making it unnecessarily difficult for U.S. producers to compete. That has to stop.

Mr. Speaker, this may be hard for people to see up here, but let me assure you that the subsidies our domestic

steel companies have received since 1980 are dwarfed by the subsidies that foreign steel makers receive.

Looking at this graphic, this minuscule yellow bar down here represents the U.S. government subsidies, while this tower next to it represent the \$90 billion in subsidies our leading competitors have received since 1980 in the steel sector. The amount of subsidies to foreign producers have outnumbered and outshone by those in the U.S. by a factor of more than 8 to 1. Substantial relief under section 201 is a move toward eliminating that handicap as well as others, putting the U.S. on a level playing field and staving off a permanent liquidation of this strategic industry.

Inaction or weak action would silence many steel plants, while destroying the livelihood, the good-paying jobs of the workers, their families and communities, and dealing a blow to our national economy and to our national security.

I applaud the Bush administration for stepping up to the plate for the American steel industry and its workers, something that previous administrations had been reluctant to do.

With that, I urge the Bush administration in the next week in making a decision on this steel 201 to knock the ball out of the park by imposing credible tariffs over the next 4 years.

There will be a number of speakers joining me tonight. The first of these is the gentleman from Illinois (Mr. SHIMKUS), and I yield to him.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), for his work on this and for his work for his constituents in Pennsylvania.

We have would not be here if the President had not invoked section 201; and we would not be here if the ITC, the International Trade Commission, had not found in essence in our favor that there has been some illegal dumping.

We hear a lot on trade, and a lot of the debate stems around free and fair trade. I think it is pretty clearly evident that when trade is not fair then we need to do just what we did in this case so far. What we have done so far is asked for a section 201 hearing that has been found in our favor, and now the administration has to finish the deal. They have a deadline of March 6 in which they are going to recommend the type of penalties that this country would like to see to get our steel industry back on sound footing; and, as with every other issue, there is always a debate of what those penalties should be.

Well, the Steel Caucus, which the gentleman chairs and which we have many members of, have tried to weigh in on this. We have sent a letter to President Bush asking for a minimum of 40 percent tariff to be implemented over 4 years on all imported steel products. That is what we can do now, and I am glad to have signed that letter and sent that.

But I also had a chance to personally speak with Secretary Evans on this issue and reiterate the importance of some strong, strong penalties, not only to help our domestic steel industry, but it sends a signal to the rest of the countries that we want to trade and do business with. We can compete with them. We cannot compete with them if they have subsidized their production, and that is what they do by a term called dumping, which means foreign countries are selling steel to us at below-market prices, usually subsidized by their own government.

The International Trade Commission's ruling, they said that we in our domestic steel industry suffered serious injury due to the surge in imports. So that is why we need a substantial tariff for a maximum length of time, because the majority of steel that is making its way to America from off shore is being heavily subsidized.

The imposition of tariffs over a 4-year period will demonstrate to foreign producers and governments that this administration is serious about addressing the problem of foreign excess steel capacity. And it is kind of ironic that our European allies, from what I understand, are not supportive of our heavy tariffs because they fear that if we are successful then they will be the target for the illegal dumping of steel and then they will have to deal with this issue.

So we need to make sure that our allies and friends understand that steel is also a national security issue and it is important for us to have that domestic capability.

The administration must take this lead in developing a plan to address the critical legacy costs which are preventing the industry from restructuring. The progress of the President's comprehensive steel strategy demonstrates once again his strong, decisive leadership on behalf of America, American workers and American families. It is now time to take the next step and implement a remedy that would be advantageous to the U.S. steel industry. I am confident that this Congress working with this President will provide help for those who have lost their jobs and benefits as a result of the bankruptcy of the steel industry.

The 40 percent tariff that we suggest would bring the domestic steel industry back to a level playing field with foreign competitors and hopefully bring an end to the steel crisis in our country, not only for the factory itself, but for the workers, and not just for the current day workers but for the retirees.

I appreciate all the gentleman from Pennsylvania (Mr. ENGLISH) has done on this behalf since the day he arrived here. We have made great inroads in working it together across the party lines and the caucus. And I am really proud of what the President has done with this issue. Now we want to him finish the job and get the work done.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentleman, and I want to

thank him for his personal involvement, for his work with the administration, for helping to bring there issue to the fore, at a very, very critical time when we can still save our domestic steel industry. I thank him for being involved in the Steel Caucus.

Mr. Speaker, I yield to another gentleman from Illinois (Mr. PHELPS), who is also a member of the Steel Caucus.

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH).

I first want to commend the gentleman on his firm leadership in bringing this issue to the forefront of the American people. Those who are not associated with the steel industry may not be aware just how serious this situation is, and I want to associate my remarks with my friend and colleague, the gentleman from Illinois (Mr. SHIMKUS). We are fighting the same battle.

Let me state, Mr. Speaker, I rise to discuss the crisis the steel industry faces. The American steel industry and the steelworkers are in the midst of possibly the worst crisis ever due to the continued illegal dumping into this country of foreign-made steel.

Thousands of steelworkers have lost their jobs, and countless more are in jeopardy. In my congressional district in Central and Southern Illinois the effects have been devastating. Yesterday, I attended a steel rally in Greenwich City, Illinois, and was able to hear firsthand the effects this has had on the local economy.

Now is the time to institute the highest tariff levels of at least 40 percent if the steel industry is to recover.

Last year, the President directed the International Trade Commission to undertake one of the most extensive and complex investigations into the section 201 history. I applaud the President for this leadership, very much needed assistance for an ailing industry. The International Trade Commission ruled unanimously that nearly 80 percent of the product lines of the American steel industry have been seriously damaged by surges of low-priced foreign imports. The most severe violations of U.S. trade laws have taken place since 1998.

The devastating impact that low-priced steel imports have had on American steel companies is amply evident; and, as a result of foreign dumped steel since 1998, 31 steel companies have filed for bankruptcy nationwide. Of these, four are located in my home State, Illinois, which has caused over 5,000 Illinois steelworkers to lose their jobs.

The International Trade Commission has recommended the President impose tariffs of up to 40 percent on a broad variety of steel products over a 4-year period. I strongly urge the President to impose the highest tariff rate for 4 years on all subject steel categories as the first step in saving our American steel industry and the jobs and the health insurance of Illinois steel makers and over 50,000 retirees in Illinois.

The domestic steel industry has invested billions of dollars in upgrading

and modernizing its facilities and, as a result, is among the most productive makers of high-quality steel in the world. No industry, no matter how productive, however, can compete against the onslaught of low-priced and often unfairly traded steel imports. It is imperative we send the strongest possible message to deter our trading partners from further illegal dumping and to give the domestic steel industry the time it needs to recover from its injury. Anything less would be a disservice to those working men and women who are counting on government to stand up for them.

In this body last year we have deliberated several trades issues and even this year. Some are disagreed upon and some have total agreement, and it is not even by party lines. Unfortunately, it is by geographical, cultural differences, many times, rather than party line.

And we have a healthy debate. One was such as permanent normal trade relations with China. The reason I resisted that proposition and opposed it is that in my 19th District in Illinois we are exporting jobs because of trade policies such as free trade and the P.N.T.R. motion that we looked at and debated on this floor.

□ 1945

I know that many people have stock in the fact that this will help us, our country; but I say right now, in the 19th district, that is just the opposite case.

We had 10 years of China breaking their word, violating their contracts with this country on items that left us \$82 billion in trade deficit. Now, the reason I mention that is in this context. One blow after another to the American worker is adding to a serious situation not only of our economy but the quality of products that we produce even for our defense system; and that borders on compromising our national security.

I yield back to the gentleman and thank him for his courtesy.

Mr. ENGLISH. I thank the gentleman, and I will resume making some of the points I had been making; and then, in a few minutes, I will recognize another member of the steel caucus, the gentleman from Ohio (Mr. BROWN), who has been a leading advocate of this cause.

Summarizing the last two speakers, it is clear that the International Trade Commission has given the Bush administration the tool that it needs to get action. Tariffs in the range of 40 percent are clearly needed if the industry is to recover. But, Mr. Speaker, we recognize the March 6 decision is only the first inning; 201 action must be followed by a concrete commitment from our trading partners to reduce inefficient global overcapacity.

Again, I have to congratulate the President for his understanding of the issue and his foresight in initiating the OECD talks. Beyond that, we must

look at ways to address the industry's legacy costs, clearing the way for a domestic steel renaissance. Continued cooperation between Congress and the Bush administration is the only way of ensuring the viability of the domestic steel industry.

Let us think a minute about the fundamental causes of this crisis. In my view, one of the underlying causes is a massive foreign inefficient overcapacity. Looking at this graphic, as my colleagues can see, from 1998 to 2000 the United States consumed 131 million metric tons of steel, while the former Soviet Union, which is NIS on that graphic, alone produced 114 million metric tons. The entire foreign excess raw steelmaking capacity averaged 268 metric tons, which is more than twice the level of average U.S. steel consumption. Massive foreign steel overcapacity, created and sustained by abusive government subsidies, protected markets and anticompetitive practices, resulting in a diversion of excess steel products into the U.S. market.

Going to the next graphic, it is obvious that raw steelmaking capacity has greatly exceeded steel consumption in many areas of the world during the last 3 years. Again, the former Soviet Union is producing more than 120 million metric tons of steel than it needs. Even Brazil is producing almost 20 million more metric tons of steel than it needs for domestic consumption. And make no mistake, the excess production is being dumped in our domestic market. And they say it is our fault.

Mr. Speaker, a key point to understand is that American steel companies and their workers have already done their part to create a world-class competitive industry during recent years. They have invested more than \$60 billion in steel plant modernization since 1980 to become among the most productive steel producers in the world with as few as 1½ man hours needed per ton of steel produced. To achieve these advances in productivity, the U.S. steel industry reduced capacity by more than 23 million tons, closed numerous inefficient mills, and significantly cut jobs. The workers have endured their fair share of economic pain and sacrifice as the workforce was reduced by hundreds of thousands of workers in an effort to become the most efficient producers of steel.

As this graphic reflects, U.S. productivity measured as output-per-worker has nearly tripled since 1980, according to the U.S. Commerce Department. These are the official statistics. The industry average has gone from using 10 man-hours to produce a ton of steel to just 4, all the while the net shipments of steel have grown from just over 90 million tons to 110 million tons. That is extraordinary. But when competing with the unfair trading practices of our foreign competitors, it is simply not enough. Much of the world's major steel markets have formal steel import barriers to foreign steel or are subject to international market-shar-

ing arrangements by foreign steel exporters. These cartels are aimed at us.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we desperately need strong relief under section 201 of the U.S. trade laws. This is allowable under the WTO rules. In this case, the International Trade Commission determined damage has occurred and made recommendations for tariffs to the President. The March 6 deadline for the Bush administration to make a decision is fast approaching. I call upon the President to recognize the needs of our domestic industry. Significant relief is necessary in order to return steel prices to their normal precrisis levels and allow American steel companies to make the necessary investments to remain viable and competitive in the future while providing good paying jobs.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to be competitive. A shorter duration, I feel, will simply be ineffective.

Section 201 relief must not replace existing orders under the antidumping and countervailing duty laws. If these orders are set aside, hard won as they are, any remedy will be perversely rewarding those foreign producers that engage in unfair trade. That is something that I would think we all would agree we do not want.

To further these remarks, I would like to yield to the gentleman from Ohio (Mr. BROWN), a member of our caucus, a gentleman who has been very involved in the steel issue from the get-go.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on steel issues as American workers and corporations try to fight back against this terrible situation that we have seen coming for the last 3 or 4 years.

The U.S., as we know, has become the world's steel dumping ground, costing U.S. jobs, hurting U.S. families, and damaging the U.S. economy. During the 1998 steel crisis, the trade deficit in steel was almost \$12 billion, accounting for nearly 7 percent of our overall trade imbalance. We have known from other Special Orders in this body and from other debates in this body that legislation like NAFTA, GATT, which formed the World Trade Organization, PNTR, giving special trading privileges to China, and Fast Track legislation, which passed this body by one vote last year, that this body of trade law that this Congress in my mind has wrongly passed, has damaged this country and that has put us in this situation where we have these huge trade deficits. And our steel deficit is one of the major parts of that.

That means that we are buying a lot more steel in this country than we are exporting, \$11.7 billion worth. The bulk

of these imports in steel were subsidized by foreign governments and illegally dumped below market prices in the United States. Under Federal trade law, and international trade law too, it is illegal to subsidize a product through a variety of different means that governments do and then sell it under cost into another country, thereby undercutting that domestic industry's products.

Today, we import 39 million tons of steel, more than double the amount we imported in 1991, and steel prices are below 1998 levels. The surge in illegally dumped steel has obviously been incredibly damaging to the domestic steel industry. Since 1998, 26 steel companies have filed for bankruptcy, 17 in the last year. That includes three in my State, including LTV in Cleveland, including RTI in Lorain, where there is a major plant in Lorain and the community which I call home.

Steelworkers from LTV and RTI are learning firsthand how unfair competition is destroying America's ability to make steel. The White House and the Congress must respond. Congress must pass H.R. 808, the Steel Revitalization Act. It has bipartisan cosponsors, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Illinois (Mr. PHELPS), who was here earlier, and 200-plus Members of this body who have cosponsored that bill.

The Republican leadership, the gentleman from Texas (Mr. DELAY), and others, have refused to schedule it for a floor vote. It would make all the difference in the world in revitalizing this Nation's steel industry. Because this Congress has failed to act, because the Republican leadership in this Congress has not given the means to even allow us to have a vote on these very crucial issues to protect American steel, it is up to the President.

On March 6, the President will announce his decision on the recommendation of the International Trade Commission for tariffs on illegally dumped steel. We need a strong response. As the gentleman from Illinois (Mr. PHELPS) and others have said, we need a 40 percent tariff, which is what the ITC has recommended, if the President goes along.

A year and a half ago we heard Vice President Cheney, while in Weirton, West Virginia, say we will never lie to you. If our trading partners violate trade laws, he told steelworkers, we will respond swiftly and firmly. We need the administration's swift response; we need their firm response on steel dumping now more than ever.

If they are sincere about helping steel, and I take them at their word, although there has been a pretty big delay in the President acting, he was originally supposed to act in mid-February, and every day the President fails to act, every day of delay causes more duress to the American steel industry, more layoffs, more bankruptcies, and more likely failed steel companies; but taking the President at

his word, we call for him to do the 40 percent tariffs for 4 years. Anything less simply will not cut it.

It does not mean 40 percent with hundreds of exceptions, as steelworker president Mr. Leo Gerard told the gentleman from Pennsylvania (Mr. ENGLISH) and me and some others this afternoon. We must protect the 700,000 hard-working families who rely on this industry for their salary, for their pensions, for their health benefits, and all of us who rely on this industry for our national security.

The steelworkers at Weirton Steel, where then Vice Presidential candidate Cheney made, I hope, a genuine promise, and to the workers at RTI in Lorain, in Canton, in Madison, Ohio, the workers at LTV in Cleveland, and all over this country, are absolutely counting on the President to do the right thing to stop these unfair trade practices. Since this President took office, we have lost a million industrial jobs in this country. I wonder how many workers must file for unemployment before President Bush and Vice President Cheney honor their campaign pledge, not to do this half-baked, but to do the full 40 percent. More and more Americans are joining the ranks calling for Washington to assist this industry.

Again, we ask for Republican leadership here to move on H.R. 808. It clearly will pass this Congress. It has plenty of cosponsors. We ask the President to move on section 201 on implementing it and calling in these tariffs.

Now, in addition, it is important that this Congress do something about so-called legacy costs. Legacy costs are what is left for those workers who are retired; who, when these companies go out of business, lose at least 20 percent, sometimes as much as 40 or 50 percent of their pensions, and who lose all of their health care benefits. In virtually every other steel producing country in the world, especially Western Europe, we are seeing companies, as President Leo Gerard told us today, we are seeing more and more companies joining together in larger companies; and we are seeing government help with these legacy costs, with social costs, with health care benefits, with retirement. And we have to compete with those companies.

The only way for Congress to do that is for us to deal with these legacy costs for these workers who simply do not have anywhere to turn at the age of 58 or 62 or 64, or even before they are eligible for Medicare. And there are hundreds of thousands of American steelworkers whose companies have gone bankrupt, who are about to lose their medical care, who are about to lose up to half, at least a quarter, a fifth or a quarter of their pensions.

It is important the President do the right thing on or before March 6. We need the 40 percent tariff. We need that tariff in effect for 4 years until this industry gets back on its feet and American steel can have a level playing field

from which to compete. It is important that Congress move on section H.R. 808 and override the Republican leadership to stop it. It is important that Congress stop passing legislation like Fast Track and NAFTA and the World Trade Organization, the way it was created, and PNTR for China, and all the trade agreements that have put us behind the 8-ball.

It is important that this Congress and this President finally do the right thing for American workers. I thank my friend from Pennsylvania for his good work and I yield back to him.

□ 2000

Mr. ENGLISH. Mr. Speaker, I congratulate the gentleman for his great advocacy for the cause of steel.

Mr. Speaker, this administration has done more than the last administration did so far; and that is very, very encouraging. Also, a bill like H.R. 808 was brought up by this House Republican leadership, passed the House overwhelmingly, and was killed in the Senate. This is not so much a partisan issue. The importance is that we need to move now the strong remedies necessary to put this critical, strategic industry back on an even keel.

We also know an effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers have already made to modernize, eliminate inefficient capacity and rationalize, bringing stability and balance to the global steel market.

Looking at this next graphic, we know that a 40 percent tariff would provide more than \$1.4 billion of operating revenue for our domestic producers. A substantial tariff-based remedy is the only way to prevent the loss of thousands of additional steel-related jobs and will send a clear message to foreign producers that the United States is not a dumping ground for excess steel product.

Going to the next graphic, even with the 40 percent tariff, people need to understand prices would still be well below the 20-year average on hot-rolled, cold-rolled, hot-dipped galvanized steel and coil plated.

Even with the 40 percent tariff, prices would still be below the 20-year average. So much for the dramatic price increase as a result of tariffs that some opponents of relief for the domestic industry have been arguing; and comparing the pricing trends of steel to other industries, going to the next graphic, according to the Bureau of Labor Statistics, the price of construction machinery and equipment has increased about 60 percent during the last 20 years. I realize that this graphic is confusing and looks like something that Washington would conceive of, but if Members look at the actual details, if Members know that the price of products such as motor vehicles have risen by about 45 percent since 1981, paper has risen 55 percent, food has risen 40 percent, steel prices during

that same time have increased less than 5 percent. That shows that steel has managed to maintain a relatively low cost and has actually declined as a cost in relative terms. Anything that we do as part of this remedy is not going to create a problem with the relative price of steel.

Tariff-based remedies will not harm U.S. consumers. Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Think about it. For a typical family car, the increase caused by the imposition of a 40 percent tariff would be about \$60, \$60 on the cost of an automobile. For a refrigerator, the increase would be a cost of about \$3. That is not enough to affect consumer decisions.

On this graphic, as measured by the Department of Commerce, steel's share of total costs is 0.8 percent for construction, 3.4 percent for motor vehicles and parts, 5.4 percent for other transport equipment, 6.8 percent for household appliances, 4.6 percent for electrical industrial apparatus, and for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is less than 16 percent.

That clearly indicates that by seeking this remedy, we are not going to create a problem for the domestic economy. Since 1995, the price of finished goods has risen 11 percent while the cost of steel mill products has declined 16 percent. The steel-consuming industries have been running around Washington suggesting that relief under section 201 will not return profitability to the domestic steel industry by raising prices while at the same time arguing that relief will raise consumer prices to prohibitive levels.

According to a study by Professor Jerry Hausman, an economist at the prestigious Massachusetts Institute of Technology, MIT, the tariffs would actually have a minimal effect on prices, costing the average consumer \$2 a year, and having no negative effect on the U.S. economy.

We can reach out and successfully impose 40 percent tariffs, and it will have a minimum impact on consumer prices. Hausman said the assumptions from the consuming industry's trade action coalition are fundamentally flawed. Using the same model, but with accurate assumptions that truly reflect the current steel market, the studies show that the section 201 remedies would provide a net benefit of about \$9 billion to the U.S. economy. The same consuming industries that are saying that they will be placed at a severe disadvantage because of these tariffs on steel have not had to endure the same stagnated prices on their products during the last 20 years. My previous graphic, those steel-intensive industries such as construction machinery, equipment and motor vehicles, have seen the price of their product increase 60 and 40 percent respectively since 1981. I will say it again: steel prices have increased less than 5 percent.

Entire American communities have been devastated by this import crisis, and I would like my colleagues to consider that regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every \$1 of a manufactured product sold to an end user, an additional \$1.19 of intermediate activity is generated. The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries such as rail, trucking, and shipping.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone provides employment in a number of regions where, frankly, other jobs are scarce. The steel industry is also a major contributor to the U.S. tax base, including the tax base of State and local governments.

There is another dimension that I would encourage my colleagues to think about, and that is a healthy domestic steel industry is a cornerstone of our national defense. Steel is an indispensable component of many weapons and weapon systems, as well as the ships, tanks and other vehicles that carry these systems and our dedicated troops. In my district, Erie Forge and Steel is the sole producer of propeller shafts that are used in Navy ships, and they are just coming out of Chapter 11 bankruptcy with a new buyer.

The President and many other U.S. government leaders recognize that steel and national security go hand in hand. At a time when we are trying to enhance our national security and we are thinking anew about the need to have a strong defense, defending the steel industry should be a top priority. It is vital to U.S. national economic security and to our homeland security that America does not become dangerously dependent on offshore sources of supply for, among other things, the steel that goes into our transportation security infrastructure such as highways, bridges, railroads and airports; the steel, that goes into our health and public safety infrastructure, such as waste and sewage treatment facilities and the public water supply; the steel that goes into our commercial, industrial and institutional complexes such as schools, hospitals, retail stores, hotels, churches and government buildings. We must maintain a viable domestic steel industry if our country and our economy is truly to be secure.

The gentleman from Ohio brought up the issue of legacy costs, and we need to recognize that 2 decades of downsizing have created a domestic steel industry that is highly efficient with modern facilities; but the downsizing that has occurred to

achieve this goal has placed an enormous burden on the industry, and that burden is these legacy costs: health and pension liabilities for steelworkers who lost their jobs as a result of the massive industry downsizing which occurred especially during the period of the 1980s through the present as a result of injurious, unfair trade.

Legacy costs have put the industry overall at a significant competitive disadvantage versus foreign competitors whose governments have assumed these same costs. Congress, the administration, and the industry must continue to work together to address these costs that serve as a critical barrier to industry consolidation. While this is a time of enormous crisis for the industry, we need to recognize it is also a time of unique opportunity. This is a chance to facilitate an important, long-term restructuring to allow for significant capacity reduction and help create an industry poised to compete over the long run with any competitor in the world.

Mr. Speaker, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took a monumental first step. I encourage the administration to follow through by enacting tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. While the European Union may loudly voice their objections to strong tariffs as not necessary to fix America's problem, the percentage of steel dumped into their market is significantly lower than that dumped on our shores, and I would like to demonstrate that with another graphic.

As Members can see, not since 1960 have we been on a relatively even keel with the Europeans when it comes to receiving excess foreign steel. The foreign excess steel dumped in the United States has steadily grown since then, topping off at 30 percent while the EU hovers at 15 percent. The EU's argument simply does not hold water.

Mr. Speaker, the plight of the steel industry is grim, but both Congress and the administration are working hard to give employers the tools that they need to be competitive in the global market. Nothing will solve today's steel crisis in this sense: the damage is already done. Instead, we must seek to apply the lessons learned in today's crisis, put reforms into place so nothing like this will happen again.

We need to have substantial tariffs to begin this process. We must do this in order to provide some security for the 62,000 American steelworkers as well as 600,000 retirees and their dependents. Without this action, the future of our domestic steel industry as well as our economy and our national security will remain very much in question.

□ 2015

With that, I would like to yield to another of my colleagues, a great member of the Steel Caucus, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for his leadership in this area and for yielding.

Madam Speaker, I rise today in support of America's steel industry, steelworkers and steel communities.

Just 7 days remain for the President to issue his decision on the future of our domestic steel industry. To his credit, the President requested that the International Trade Commission conduct a section 201 investigation to determine if steel imports injured the domestic steel industry. Last year, the ITC held a lengthy hearing process in which it heard testimony about, and concluded that, serious injury had been caused to the steel industry by imports. The ITC ruled that sharp increases in 16 product categories have injured, or could seriously injure, U.S. steel companies. Various tariff levels were recommended by the ITC. Now we await the President's response and the President's action.

For 4 years now, our domestic steel industry has been engaged in a brutal fight for survival. Foreign steelmakers have flooded our markets with their products, much of it illegally subsidized. These imports have pushed 31 of our steelmakers into bankruptcy and forced our workers into the unemployment lines. We desperately need relief that restores prices to reasonable levels. This decision that we await from the President is our domestic steel industry's last chance for survival.

As my colleagues know, the overwhelming majority of commissioners at the ITC recognized that substantial tariffs of 20 to 40 percent must be imposed in order to address the steel import problem and return prices to their normal, pre-crisis levels. In this market environment, however, 20 percent tariffs simply will not be enough. I join my colleagues in asking the President to impose the highest level of tariffs, 40 percent, because it is the only way to ensure the future of our steel industry. And, further, any section 201 remedy must be enforced for at least 4 years to demonstrate the seriousness of the administration in addressing excess capacity.

Lastly, a tariff-based remedy must be applied across all flat products, including slab. If the remedy is different for different products, the imports will just shift to the product with the lowest tariff, and the remedy will be gutted.

I would like to take a moment to address one particular problem, tinplate. The district that I serve is home to Weirton Steel and Wheeling-Pittsburgh Steel. Both have a significant stake in tinplate production. In fact, probably no district in the Nation has a higher concentration of tin mill production than the First District of West Vir-

ginia. Unfortunately, it is one of the many segments that has been staggered by rising imports and falling prices.

Imports of tin mill products have increased by 200,000 tons. Prices have fallen by \$65 per ton. Imported tin mill products jumped 50 percent from December, 2001, to January, 2002, a monthly record.

The ITC's vote on tin mill products was a three-to-three tie. Of the three who voted that the domestic industry was injured by imported tin mill products, two voted for tariffs of 40 percent, 38 percent, 36 percent and 31 percent; and one voted for tariffs of 20 percent, 17 percent, 14 percent and 11 percent. Because of the tie, the law states that no remedy recommendation can be made to the President.

However, even without a tin mill products recommendation, the President can still enact a remedy if he so chooses. If the President provides tariff relief on other products but not on tin mill products, other nations will likely offset their losses and flood the U.S. tin mill products market. This is called product shifting. I urge the President, in the strongest terms, to include tariff remedies for tin mill products in his remedy decision.

We are truly at a crossroads in the steel industry. The cause of our steel crisis is, simply put, massive foreign overcapacity. The ITC's section 201 investigation provided overwhelming evidence that the industry is seriously injured. Six commissioners unanimously agreed that the increase in imports was a substantial cause of serious injury. In fact, last Tuesday, the U.S. Bureau of Census released preliminary data showing that all steel imports rose from 2 million net tons in December to 2.5 million tons in January. So even in the face of possible tariffs, foreign countries continue to dump steel in our market.

More than 325,000 American jobs are at risk if serious, swift and decisive action is not taken. According to calculations based on measurements by the Bureau of Labor Statistics, the U.S. Department of Labor and independent economic analysts, every job in the basic steel industry supports at least three other jobs in other industries.

Without significant tariff remedies, our steel industry, our steelworkers, and our steel communities will be decimated. I join my colleagues in asking the President to issue strong tariff remedies for our steel industry.

Mr. ENGLISH. I want to thank the gentleman for his involvement in our Steel Caucus. One of the things that has made being chairman of the Steel Caucus such an extraordinary pleasure is the involvement of people like him and like you, Madam Speaker, both of you from West Virginia, and also from our last, final speaker of the evening, the gentlewoman from Pennsylvania (Ms. HART), to whom I will yield.

Ms. HART. I thank the chairman of the Steel Caucus, the gentleman from

Pennsylvania (Mr. ENGLISH), for his great leadership on this issue and for actually having this administration be so well educated to actually file the 201 investigation and really to have gotten us to the point where we are today.

It is an honor for me to speak here on behalf of those in my district and throughout this Nation who have made the steel industry what it was and what it should be today, very strong and a very highly mechanized, very technical and very much improved industry over the last many years.

Unfortunately, we have not been reaping the benefits that that industry has earned over the last several years. As I know has been discussed by several other Members earlier this evening, we have not reaped the benefits because of foreign nations subsidizing their steel and dumping it at below market costs here in this country.

I had the opportunity to speak with the President, as I know many of my colleagues have, about this issue. We were instrumental in making the decision to file that 201 investigation. I am pleased that once the ITC had the opportunity to review the issue that they did agree with us that foreign steel dumping, in a 6-0 decision, in fact, that those products being imported into the United States are being imported below cost and also in increased quantities, that they are the substantial cause of the injury to the United States steel industry, not the lack of mechanization and modernization of our industry.

I want to say, I represent a part of western Pennsylvania that has been known for being very strong in the steel industry. Unfortunately, we have lost many, many jobs over the last several years. Not only did we have a very difficult time in the 1970s and 1980s, but once again, since 1986, for example, we have lost over 20,000 steelworker jobs and five major plants in Beaver County alone, Babcock & Wilcox, Crucible, LTV, Armco and American Bridge.

The problems, though, did not get better once the industry did modernize and consolidate. It has gotten worse. Allegheny County, where I live, Butler County, Fayette County, Washington County in western Pennsylvania and Westmoreland County where I represent have all lost jobs, not again because of their lack of technology but because of steel dumping. It is the unfair trade that has caused these problems.

I would urge everyone involved who has the opportunity to have some input now with the administration to encourage them to stand along with my colleagues in the Steel Caucus and our chairman, the gentleman from Pennsylvania (Mr. ENGLISH), and push for a very effective remedy. It appears that that will happen next week. We have the opportunity to actually help our steel industry survive. We need to have a serious and effective remedy. What we are asking for, what the industry

has been asking for, is a strong remedy, 40 percent tariffs, something along that line, for a period of time that will allow our industry to recover, something that they have earned because of the good faith they have shown in modernizing and moving the industry forward.

Unfortunately, for too long, the administrations that ran this country did not pay attention to the steel industry. It was completely ignored, in fact, under the previous administration. I must credit President Bush, I must credit his trade ambassador and some of the folks who work with him who have listened to us, who have discussed with us the issue and I believe understand that it is important for us to take this step now so that we will continue to have a steel industry in this country at all. Because otherwise I think we are in jeopardy of losing it completely.

Between 1997 and 2000, steel imports from China increased by 212 percent. From the former Soviet Union area, they increased by 167 percent. That is mostly from the Ukraine. From Taiwan, by 558 percent. I do not think anybody could say with a straight face that the quality of the steel or the process that they used was that much better than ours, and in fact it probably was not better at all.

So I stand here along with my colleagues and I ask that we together, and I ask the administration, to work with us together to make sure that our steel industry and those who have worked in it and built it and built a large part of this Nation be rewarded for their hard work, be given the opportunity to continue to be a strong industry, that they can rebuild themselves, that they only ask that they be given a level playing field with other countries that are steel producers, and that we make sure that given this opportunity now, that the ITC has given us a decision showing that they have been injured by dumping, that they get the opportunity again to get back on their feet.

Because not only is it important to my region, the regions that many of my colleagues represent, it is important to our entire Nation that we have a strong steel industry, not only for the automobile industry, not only for the appliance industry, but for the defense industry, for the defense of this Nation, and for our future.

I thank the gentleman from Pennsylvania for his leadership.

Mr. ENGLISH. I thank the gentlewoman. I congratulate her particularly on serving within the Steel Caucus, already as a member of the executive committee and one of the effective leadership, helping us shape the strategy to bring this issue to the point where it has arrived today, where there is an opportunity for the President, through his action, to put this steel industry on a much more level playing field.

It is worth noting, since he initiated the 201, already it has had a substantial

effect on imports and already it is having some effect on steel prices, forcing foreign competitors to rethink their strategies and rethink their dumping.

I also want to congratulate the steelworkers unions, the United Steelworkers Union, the Independent Steelworkers Union, and the industry which is so diverse yet has come together behind the notion that this 201, coupled with a 40 percent tariff through the President's initiative, is ultimately going to lead to a strong, competitive, world-class American steel industry for the future.

Mr. STUPAK. Madam Speaker, the health of the domestic steel industry is vital to our nation, and it is the lifeblood of my district of northern Michigan. Without meaningful comprehensive relief, 40% tariffs over 4 years for all segments of the steel industry, including slab steel we will not recover from the current crisis.

Only the strongest of remedies can offer any hope for our nation's steel and iron ore industries to survive. Over 30 steel companies are in bankruptcy, including the LTV Corporation, a part owner and customer of the Empire Mine in northern Michigan. Michigan's iron ore mines have felt the impact of these bankruptcies as the steel companies that have been their customers go out of business one by one. Most recently as a result of LTV's bankruptcy, the Empire Mine has been shut down, and over 800 employees are currently out of work.

With the Empire Mine shut down, Michigan has only one remaining iron ore mine, the Tilden Mine which is located in Marquette County. The Empire and the Tilden Mines have been a vital part of the economies of the Upper Peninsula and the state of Michigan. In addition to the 2,000 employees of these mines, our citizens have been employed in the transportation of ore from the mines, to the ports, to the steel mills along the Great Lakes, as well as in the power plants that supply these mines, and many other related industries.

I was very pleased by the unanimous finding of injury by the U.S. International Trade Commission. However, I was troubled by the relief recommended by a majority of the board in the form of a tariff-rate quota on slabs, beginning in the first year with a 20% tariff on slab imports over 7 million tons. This will be insufficient relief to the iron ore industry and to the steel companies whose blast furnace operations must compete with the cheap slab steel that is flooding our country.

Rather, the relief for semi-finished steel slab must be equivalent to that recommended for the other covered industry products: there must be a tariff on each and every ton that enters this country. We need tariffs of at least 40% on steel slabs. Without such a tariff, millions of tons of slab steel will continue to enter the U.S. market at artificially low prices, and will continue to harm our domestic industry.

Now is the time to act to save the steel industry. Our national security, our manufacturing base, our workers, our communities depend upon a strong domestic steel industry. Now is the time to stand up for steel!

Ms. DELAUR. Madam Speaker, I want to thank Representatives VISCOSKY and ENGLISH for organizing tonight's special order on the crisis facing the hardworking men and women

in the U.S. steel industry, and for their dedication and leadership on this crucial issue.

Since the late 1990's, the steady increase in imported steel into our country has put the U.S. steel industry and the future of U.S. steelworkers and their families in serious jeopardy. To date, 28,000 steelworkers across the country have lost their jobs.

These losses have ripple effects throughout their communities. When steel mills close, businesses around them close, people leave their towns and neighborhoods. Bonds and traditions built over years are broken.

We must take action immediately. Now, more than ever, we must unite in defense of meaningful protection. It is time to stand firm against illegal dumping by foreign competitors.

In December, the International Trade Commission called on the President to impose tariffs on foreign steel—to protect American families. Since then, three steel companies have collapsed, leaving hundreds of steelworkers without jobs—men and women who have dedicated years to making the highest quality steel available.

By March 6th—just a week away—the deadline arrives for the President to act. He will have to decide whether to protect steelworkers and their families or to protect foreign interests. I strongly urge him to do the right thing and stand with our nation's steelworkers.

I am proud to stand shoulder-to-shoulder with the men and women who are coming to the Capitol tomorrow to rally for meaningful relief, for their jobs, for the highest quality steel in the world, for a safe future for their families.

Mr. DINGELL. Madam Speaker, the crisis facing the American steel industry not only jeopardizes thousands of jobs in Michigan and the industrial Midwest, but also threatens the long-term stability and strength of the American economy. We must commit ourselves as Americans to making sure our trade laws have teeth and our country never becomes dependent on foreign steel.

The events of the last few months should also remind us that the steel crisis also jeopardizes our national defense capabilities. If we no longer have the mills and workers to produce steel, the strength of our armed forces—which today are the world's most powerful—will be dependent upon our ability to import foreign steel. This is an unnecessary gamble and a grave concern. During World War II it was our ability to out-produce our foes in the factory that led to our victory on the battlefield.

Twenty steel makers have filed chapter 11 bankruptcy protection since 1998. Steel prices are at their lowest point in 20 years. Some 20,000 steelworkers have lost their jobs since 1998. Since 1980, the number of American steelworkers has fallen from 460,000 to 140,000. Statistics have not measured the job and economic losses that have been absorbed by those whose work is tied to the steel industry.

Great Lakes Steel once operated with nearly 12,000 employees; today they employ less than a third that number. During the second quarter of 2001 alone, their parent company lost over \$110 million. Rouge Steel is also struggling to survive; Rouge finished 1999 and 2000 with net losses.

These plants, like many across the nation, have been periodically hit by hard times and have survived. The industry has always gritted its teeth and survived by relying on what

makes it competitive in the world market: quality. It has continually improved productivity and product. In fact, the steel industry has invested nearly \$35 billion in steel plant modernization since 1995. The productivity of the American steel industry has improved 180 percent since 1980.

For the last few decades, we have world economies becoming more interdependent. Some job losses in the industry could not be avoided, but American steel regrouped and made itself competitive on the world marketplace. All the industry and workers asked in return was for a level playing field with foreign competitors, and that trade laws be enforced.

We all know this has not happened, particularly over the last five years. Subsidized foreign steel from Russia, China, Japan, and Brazil has been dumped into the United States at prices so low that there is no way the unsubsidized American steel industry can compete. Last year, steel import levels were 83 percent higher than the annual import average for the last eight years.

Hopefully the playing field will soon be leveled, as it must be. On October 22, the International Trade Commission voted that imports have been a substantial cause of serious injury to the U.S. steel industry in affirmative decisions covering nearly 80 percent of total import tonnage. The decision was a significant step that set the stage to provide a temporary period of strong, effective steel import relief. Such relief would provide a period of time to allow U.S. steel producers to recover and to address long-term structural problems in the U.S. and global steel sector.

It is now up to the President to determine what measures will be taken. The Congressional Steel Caucus, of which I am a proud member, has pressed the President to implement real, meaningful sanctions. On December 7, the ITC voted remedy recommendations; 5 of 6 Commissioners voted for four years of tariffs ranging from 20% to 40% on major categories of finished carbon and alloy steel imports. The President will make his decision March 6. Words alone will not suffice. I have already weighed in with the White House on this matter, and have sent the President—along with my colleagues in the steel caucus—three letters in the past week alone.

High tariffs for four years—at or near the 40 percent advocated by the industry and proposed by two Republican ITC Commissioners—are essential if the industry is to recover. Experts have projected that the industry needs to invest \$7-9 billion over the next four years to stay competitive and adjust to import competition. This can only happen with the near-term price relief and market stabilization that would come from significant tariffs. Substantial tariffs will do the following: have immediate but modest price effects; allow domestic producers to significantly increase sales quantities; provide certainty in the market; will distort trade less than quantitative measures; and, allow the industry to generate the revenue needed for investments.

Inadequate tariffs, such as the 20 percent recommended by the ITC plurality, will likely be absorbed and will have little or no effect in the market. So-called “tariff rate quotas,” which apply an additional duty only after a certain volume of imports comes in at low or zero duty rates, will provide no benefits and might well be worse than nothing at all. Relief on slab is also critical. Without an effective rem-

edy on slab, the pressure for domestic producers to shut down their hot-ends and stop making steel will be unstoppable.

Regardless of the President’s decision, Congress’ job is not finished. We must examine other ways to assist the steel industry, including addressing the problem associated with legacy costs. If nothing is done, and the federal government does not intervene, 600,000 retirees will lose their hard-earned health care benefits.

I implore my colleagues to join me in urging the President to enforce our trade laws, follow the recommendations of the ITC, and stand up for American industry and American workers. Now is the time to level the playing field and end illegal foreign steel dumping, and save the American steel industry.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. EDDIE BERNICE JOHNSON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. GANSKE, for 5 minutes, March 6.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor’s classification petition should not be revoked.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on February 27, 2002 he pre-

sented to the President of the United States, for his approval, the following bill.

H.R. 2998. To authorize the establishment of Radio Free Afghanistan.

ADJOURNMENT

Mr. ENGLISH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o’clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 2002, at 10 a.m.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable JOHN SULLIVAN, 1st Oklahoma.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

5647. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of Slovakia and Slovenia Because of BSE [Docket No. 01-122-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5648. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of Japan With Regard to Foot-and-Mouth Disease [Docket No. 01-010-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5649. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department’s final rule—Change in Disease Status of Greece Because of BSE [Docket No. 01-065-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5650. A letter from the Congressional Review Coordinator, Animal and Plant Health

Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Czech Republic Because of BSE [Docket No. 01-062-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5651. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2000, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

5652. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Risk-Based Capital (RIN: 2550-AA23) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5653. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2001, pursuant to 21 U.S.C. 379g nt; to the Committee on Energy and Commerce.

5654. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals (RIN: 0938-AL05) received February 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5655. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "Visibility in Mandatory Federal Class I Areas (1994-1998)"; to the Committee on Energy and Commerce.

5656. A letter from the Chairman, Consumer Product Safety Commission, transmitting the report from the Inspector General covering the activities of the Office for the period April 1 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5657. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5658. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5659. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2003, pursuant to 45 U.S.C. 231f(f); to the Committee on Government Reform.

5660. A letter from the Chair, Railroad Retirement Board, transmitting the semi-annual report on activities of the Office of Inspector General for the period April 1, 2001, through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5661. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kansas Regulatory Program [KS-022-FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5662. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Louisiana Regulatory Program [LA-

021-FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5663. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 2001, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

5664. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability (RIN: 2900-AK66) received February 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLECZKA (for himself, Mr. SHAW, Mr. MATSUI, Mr. BRADY of Texas, Mr. DOGGETT, Mr. SAM JOHNSON of Texas, Mr. POMEROY, Mr. RANGEL, Mr. RYAN of Wisconsin, and Mr. LAHOOD):

H.R. 3799. A bill to amend title 36, United States Code, to repeal the Federal charter for Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 3800. A bill to amend the Federal Power Act to reform the hydroelectric licensing process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. UPTON, Mr. FLETCHER, Mrs. BIGGERT, Mr. KELLER, and Mr. TANCREDO):

H.R. 3801. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 3802. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. BOSWELL (for himself, Mr. POMEROY, and Mr. SHOWS):

H.R. 3803. A bill to amend the Packers and Stockyards Act, 1921, to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter; to the Committee on Agriculture.

By Mr. BROWN of Ohio (for himself, Mr. WAXMAN, and Ms. SLAUGHTER):

H.R. 3804. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that use of certain antibiotic drugs in animal agriculture does not compromise human health by contributing to the development of antibiotic resistance; to the Committee on Energy and Commerce.

By Ms. HART (for herself, Mr. PITTS, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. GRUCCI, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. DEMINT, Mr. PICKERING, Mr. FORBES, Mr. BURTON of Indiana, Mr. SCHAFER, Mr. BARTLETT of Maryland, Mr. SHOWS, Mr. SHADEGG, Mr. TANCREDO, Mr. MANZULLO, Mr. TIAHRT, Mr. STEARNS, Mr. WELDON of Florida, Mr. PAUL, Mr.

TERRY, Mr. VITTER, Mr. ARMEY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. AKIN, Mr. SOUDER, Mr. BOOZMAN, Mr. LINDER, Mr. DOOLITTLE, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. GOODE, Mr. FLAKE, Mr. HOEKSTRA, Mr. ADERHOLT, Mr. GUTKNECHT, Mr. ISTOOK, Mr. TOOMEY, Mr. FLETCHER, and Mr. SENSENBRENNER):

H.R. 3805. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. GILMAN, Mr. MARKEY, and Mrs. MORELLA):

H.R. 3806. A bill to amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio:

H.R. 3807. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 3808. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of the public lands, National Park System lands, and National Forest System lands, to clarify the purposes for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 3809. A bill to amend the Internal Revenue Code of 1986 to stimulate economic development by enhancing the availability and benefits of small issue bonds; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself and Mr. THUNE):

H.R. 3810. A bill to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter, to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities, to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3811. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a system independent of the Food and Drug Administration for the review of health claims, to define health claims, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3812. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. RAHALL (for himself and Mr. NEY):

H.R. 3813. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself and Mr. UPTON):

H.R. 3814. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROSS (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mrs. CHRISTENSEN, Mr. WYNN, Mr. SERRANO, Mr. ISRAEL, Ms. LEE, Mr. BOOZMAN, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. BERRY, Mr. DINGELL, Mr. CLAY, Mr. McNULTY, Mr. FATTAH, Mr. TOWNS, Mr. SHERMAN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Ms. WATSON, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BISHOP, Mr. CARSON of Oklahoma, Ms. ROYBAL-ALLARD, and Mr. RANGEL):

H.R. 3815. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas, and for other purposes; to the Committee on Resources.

By Mr. SHERMAN (for himself and Mr. DAVIS of Illinois):

H.R. 3816. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President; to the Committee on the Judiciary.

By Mr. VISCOSKY:

H.R. 3817. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WATTS of Oklahoma:

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States; to the Committee on Government Reform.

By Mr. FARR of California (for himself, Mr. BACA, Mr. DOOLITTLE, Ms. SANCHEZ, Ms. LEE, Ms. KAPTUR, Ms. DELAUBO, Mr. FROST, Mr. HONDA, Ms. WATSON, Mrs. DAVIS of California, Mr. CONDIT, Mr. BERMAN, Mr. THOMPSON of California, Mrs. CAPPAS, Mr. STARK, Ms. HARMAN, Mr. SHERMAN, and Ms. ESHOO):

H. Con. Res. 336. Concurrent resolution expressing the sense of Congress regarding the life and works of John Steinbeck; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself and Mr. DAVIS of Illinois):

H. Con. Res. 337. Concurrent resolution recognizing the teams and players of the Negro

Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Government Reform.

By Mr. ISRAEL:

H. Res. 352. A resolution providing for consideration of the bill (H.R. 3341) to provide a short-term enhanced safety net for Americans losing their jobs and to provide our Nation's economy with a necessary boost; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MICA.

H.R. 250: Mr. LAMPSON and Mr. BARRETT.

H.R. 257: Mr. KERNS and Ms. PRYCE of Ohio.

H.R. 336: Mr. HINCHY.

H.R. 537: Mr. LUTHER.

H.R. 760: Mr. BAIRD and Mr. ROHRABACHER.

H.R. 781: Mr. LYNCH.

H.R. 831: Mr. BARR of Georgia, Mr. VITTER, Mr. LUCAS of Kentucky, Mr. RILEY, and Mr. FALEOMAVAEGA.

H.R. 840: Ms. DELAUBO, Mr. SNYDER, and Mr. BOEHLERT.

H.R. 968: Mr. TERRY.

H.R. 1181: Mr. SCHROCK.

H.R. 1262: Mr. OLVER.

H.R. 1460: Mr. INSLEE.

H.R. 1475: Mr. SWEENEY and Mr. JOHNSON of Illinois.

H.R. 1609: Mr. BLUNT and Mr. THORNBERRY.

H.R. 1624: Mr. FORBES, Mr. LARSON of Connecticut, and Mr. ISSA.

H.R. 1705: Mr. TERRY.

H.R. 1795: Mr. BONILLA, Mr. EDWARDS, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. SKELTON, and Mr. PITTS.

H.R. 1822: Mr. CONYERS.

H.R. 1904: Mr. RUSH, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. RODRIGUEZ.

H.R. 1935: Mr. COSTELLO, Mr. KING, Mr. WYNN, Mr. SHIMKUS, Mr. UNDERWOOD, Mr. WHITFIELD, Mr. FALEOMAVAEGA, Mr. DINGELL, Mr. CUMMINGS, Mr. OWENS, Mr. RODRIGUEZ, and Mr. DEUTSCH.

H.R. 1979: Mr. BROWN of South Carolina.

H.R. 2014: Mr. BARR of Georgia.

H.R. 2020: Mr. PICKERING, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. FOLEY.

H.R. 2125: Mr. GILLMOR, Mr. COSTELLO, Mr. HALL of Ohio, Mr. SANDERS, Mr. NEAL of Massachusetts, Mrs. EMERSON, and Mr. DAVIS of Illinois.

H.R. 2146: Mr. KELLER and Mr. CHABOT.

H.R. 2148: Ms. DELAUBO.

H.R. 2163: Mr. BROWN of Ohio and Ms. RIVERS.

H.R. 2237: Mr. STUPAK.

H.R. 2254: Mr. PLATTS, Mr. SHUSTER, and Mr. SENSENBRENNER.

H.R. 2339: Mr. MATSUI and Ms. PRYCE of Ohio.

H.R. 2349: Ms. DEGETTE.

H.R. 2426: Mrs. CAPITO.

H.R. 2569: Mr. KINGSTON.

H.R. 2570: Mrs. TAUSCHER.

H.R. 2625: Mrs. MORELLA.

H.R. 2638: Mr. MARKEY, Mr. GONZALEZ, and Mr. NEAL of Massachusetts.

H.R. 2692: Mr. ORTIZ.

H.R. 2735: Mr. DEAL of Georgia.

H.R. 2820: Mr. EVANS, Mr. MOORE, Mr. SANDLIN, and Mr. SAWYER.

H.R. 2835: Mr. SCHAFER.

H.R. 2868: Ms. ROS-LEHTINEN.

H.R. 2908: Mr. LANGEVIN, Mr. UDALL of New Mexico, Mrs. JOHNSON of Connecticut, and Mr. HONDA.

H.R. 2929: Mr. HONDA.

H.R. 2953: Mr. ENGLISH, Mr. CAMP, Mr. DREIER, and Mr. ROHRABACHER.

H.R. 3017: Mr. FOLEY.

H.R. 3105: Mrs. NORTHUP.

H.R. 3113: Ms. KAPTUR and Mr. SCOTT.

H.R. 3175: Mr. SENSENBRENNER.

H.R. 3231: Mr. WICKER.

H.R. 3259: Mr. HANSEN, Mr. GIBBONS, Mr. SCHAFER, Mr. SIMPSON, Mr. DOOLITTLE, Mr. CANNON, Mr. DUNCAN, Mr. HERGER, Mr. HEFLEY, Mr. TANCREDO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mrs. BONO, Mr. RADANOVICH, Mr. REHBERG, and Mr. SOUDER.

H.R. 3285: Mrs. KELLY.

H.R. 3321: Mr. BLUNT.

H.R. 3333: Mr. SOUDER.

H.R. 3358: Mr. STENHOLM.

H.R. 3375: Mr. RANGEL, Mrs. MORELLA, and Mr. DELAHUNT.

H.R. 3389: Mrs. MORELLA, Mr. FRANK, Mr. TOWNS, Mr. PALLONE, Mr. LANGEVIN, Mr. MARKEY, Mr. BLUMENAUER, Mr. CALLAHAN, Mr. WICKER, Mr. DAVIS of Florida, Mr. KING, Mr. OWENS, Mr. HINCHY, Mr. DELAHUNT, and Mr. WILSON of South Carolina.

H.R. 3424: Mr. HONDA, Mr. LEVIN, and Mr. MEEKS of New York.

H.R. 3443: Mr. FOLEY.

H.R. 3465: Mr. PLATTS, Mr. BAIRD, Mr. OWENS, and Mr. PASCRELL.

H.R. 3478: Mr. MCNULTY.

H.R. 3479: Mr. REYES and Mr. BERRY.

H.R. 3482: Mr. WELLER.

H.R. 3659: Mr. ROSS, Mr. DAVIS, Mr. GREENWOOD, Mr. MATSUI, Mr. ABERCROMBIE, Mr. WICKER, and Ms. LEE.

H.R. 3673: Mr. FALEOMAVAEGA.

H.R. 3677: Mr. FALEOMAVAEGA.

H.R. 3687: Mr. PLATTS, Mr. SHUSTER, and Mr. UPTON.

H.R. 3733: Ms. WOOLSEY and Mr. KLECKZAKA.

H.R. 3782: Mr. BAIRD, Mr. LATHAM, Mr. MATSUI, Mr. POMEROY, Mr. MICA, Mr. HOLDEN, Mr. HILL, Mr. HUNTER, and Mr. CUNNINGHAM.

H.R. 3792: Ms. HART.

H.J. Res. 23: Mr. UPTON.

H.J. Res. 40: Mr. SCHIFF, Mr. LARSON of Connecticut, and Ms. WATSON.

H.J. Res. 54: Mr. SHIMKUS.

H.J. Res. 81: Mr. SESSIONS.

H.J. Res. 83: Mr. MICA, Mr. LIPINSKI, Mr. FOSSELLA, Mr. STUMP, Mr. CROWLEY, Mr. TANCREDO, Mr. BAKER, Mr. MCNULTY, Mr. REUTER, and Mr. OXLEY.

H. Con. Res. 20: Mr. FOLEY.

H. Con. Res. 255: Mrs. TAUSCHER.

H. Con. Res. 317: Mr. DOOLEY of California, Mr. MORAN of Kansas, Mr. GILMAN, Mr. DICKS, Mr. ROYCE, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. GALLEGLY, and Mr. HUNTER.

H. Con. Res. 318: Mr. RADANOVICH and Ms. MCCOLLUM.

H. Con. Res. 329: Mr. WEXLER.

H. Con. Res. 334: Mr. MORAN of Virginia.

H. Res. 281: Mr. UDALL of Colorado.

H. Res. 295: Mr. NEAL of Massachusetts and Mr. PAYNE.

H. Res. 339: Mr. UDALL of Colorado and Mrs. JONES of Ohio.